

# Chapter 25 – Zoning and Subdivision Code

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## Article I: General Provisions

### § 25-1. Purpose.

It is the purpose of this, the City of Kirkwood's Zoning and Subdivision Code, to promote and protect the public health, safety, convenience, and general welfare of the people of Kirkwood through the establishment of minimum regulations governing the subdivision, development, and use of land, buildings, and structures. Furthermore, the intent of this code is:

- (a)** To provide consistency with the City of Kirkwood's Comprehensive Plan, the Master Plan Report for Downtown Kirkwood, the Pedestrian and Bicycle Plan, and other policies or plans adopted by the City as it relates to the subdivision, development, and use of land, buildings, and structures;
- (b)** To promote the orderly and beneficial development of the City of Kirkwood in accordance with the City's land use policies;
- (c)** To preserve the character and quality of residential neighborhoods and business activity areas;
- (d)** To encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses without limiting the potential for the mixture of compatible uses;
- (e)** To regulate the location, bulk, height, design, and land coverage of buildings to protect the character and value of the City's residential, business, industrial, institutional, and recreational areas;
- (f)** To regulate the area and dimension of lots, yards, setbacks, and other open spaces to provide adequate area for light and air;
- (g)** To regulate the density of population, as identified in the comprehensive plan, to prevent overcrowding of the land and excessive concentration of the population;
- (h)** To provide for adequate access to all areas of the City by people of all abilities and by varied modes of transportation;
- (i)** To ensure efficient and safe traffic and pedestrian circulation; manage congestion on the streets; and improve public safety by locating buildings and uses adjacent to streets in such a manner that they will cause the least interference with, and be damaged least by, traffic movements;
- (j)** To facilitate adequate provisions for public utilities and facilities such as schools, recreation facilities, sewer, water, transportation, and other public necessities;
- (k)** To guide the future development of the City so as to bring about the gradual conformity of land and building uses in accordance with the objectives of the City's adopted plans;
- (l)** To accomplish the specific intents and purposes set forth in the introduction of the respective articles; and
- (m)** To provide regulations, standards, and procedures for the administration, amendment, and enforcement of the City of Kirkwood Zoning and Subdivision Code.

§ 25-2. Title.

(a) Ordinance No. 10702, passed on February 18, 2021, 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.
- (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;
  - (iii) Collection, supply, or disposal systems, including mains, sanitary sewers, water lines, drains, sewers, pipes, conduits, and tunnels;

- (iv) Wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, and other similar equipment utilized for infrastructure or safety services; and
- (v) Electrical substations, gas regulator stations, and other similar equipment and accessories in connection with public or municipal utilities and infrastructure.
- (2) In all cases, the installation of such services shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.
- (3) Buildings required in conjunction with an essential service identified in Subsection (1) above shall be subject to the regulations of this code and shall be reviewed in a manner as determined in [§ 25-35: Principal Use Regulations](#).

#### § 25-6. Relationship to Plans.

The administration, enforcement, and amendment of this code should be consistent with the most recently adopted version of a comprehensive plan for the City of Kirkwood, as amended and herein referred to as the “comprehensive plan.” Such plan, or references to such plan, shall also include other adopted plans within the City that are related to development including, but not limited to, the Master Plan Report for Downtown Kirkwood, the Pedestrian and Bicycle Plan, parks and recreation plan, etc. Amendments to this code should maintain and enhance the consistency between this code and the comprehensive plan.

#### § 25-7. Interpretation and Conflict.

**(a) Interpretation of Provisions**

The provisions of this code shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, convenience, and general welfare.

**(b) Conflict with Other Public Laws, Ordinances, Regulations, or Permits**

This code is intended to complement other City, State, and Federal regulations that affect land use and the division of land. This code is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this code are more restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions of this code shall govern.

**(c) Repeal of Conflicting Ordinance**

All ordinances or parts of ordinances in conflict with this code or inconsistent with the provisions of this code are hereby repealed to the extent necessary to give this code full force and effect.

#### § 25-8. Relationship with Third-Party Agreements.

**(a)** This code is not intended to interfere with or abrogate any third-party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, where this code proposes a greater restriction or imposes higher standards or requirements than such easement, covenant, or other private third-party agreement, then the provisions of this code shall govern.

**(b)** Nothing in this code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this code.

**(c)** In no case shall the City be obligated to enforce the provisions of any easements, covenants, or agreements between private parties unless the City is a named party in the agreement.

§ 25-9. Severability.

- (a) If any court of competent jurisdiction invalidates any provision of this code, then such judgment shall not affect the validity and continued enforcement of any other provision of this code.
- (b) If any court of competent jurisdiction invalidates the application of any provision of this code to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other property, structure, or situation not specifically included in that judgment.
- (c) If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

§ 25-10. Transitional Rules.

**(a) Purpose**

The purpose of these transitional rules is to resolve the status of properties with pending applications or recent approvals, and properties with outstanding violations, on the effective date of this code, or amendments thereto.

**(b) Violations Continue**

- (1) Any violation that existed at the time this amendment became effective shall continue to be a violation under this code and is subject to penalties and enforcement under [Article XIII: Enforcement and Penalties](#), unless the use, structure, development, construction, or other activity complies with the provisions of this code.
- (2) If the use, structure, development, construction, or other activity comes into compliance and is no longer in violation of this code, there shall be no additional enforcement actions taken except that the City may still collect any penalties, or other remedies, assessed for the violations that occurred under the previous code.

**(c) Nonconformities Continue**

- (1) Any legal nonconformity that existed at the time this amendment became effective shall continue to be a legal nonconformity under this code as long as the situation that resulted in the nonconforming status under the previous code continues to exist, and shall be controlled by [Article XII: Nonconformities](#).
- (2) If a legal nonconformity that existed at the time this amendment became effective becomes conforming because of the adoption of this amendment, then the situation will be considered conforming and shall no longer be subject to the regulations pertaining to nonconformities.

**(d) Processing of Applications Commenced or Approved Under Previous Regulations**

**(1) Pending Projects**

- (i) Any complete application that has been submitted and accepted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this code, shall be reviewed in accordance with the provisions of the regulations in effect on the date the application was deemed complete by the City.
- (ii) If a complete application is not filed within the required application filing deadlines in effect prior to the adoption of this code, the application shall expire and subsequent applications shall be subject to the requirements of this code.

- (iii) Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.
- (iv) An applicant with a pending application may waive review available under prior regulations through a written letter to the City and request review under the provisions of this code.

**(2) Approved Projects**

- (i) Approved planned developments, community unit plans, development plans, site plans, subdivision plats, variances, special uses, or other approved plans or permits that are valid on the effective date of this code shall remain valid until its expiration date, where applicable.
- (ii) Any building or development for which a permit or certificate was granted prior to the effective date of this code shall be permitted to proceed to construction, even if such building or development does not conform to the provisions of this code, as long as the permit or certificate remains valid.
- (iii) If the development for which the permit or certificate is issued prior to the effective date of this code fails to comply with the time frames for development established for the permit or certificate, the permit or certificate shall expire, and future development shall be subject to the requirements of this code.

**(e) Vested Rights**

The transitional rule provisions of this section are subject to Missouri's vested rights laws.

§ 25-11. Restoration of Unsafe Buildings.

Nothing in this code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

§ 25-12. Use of Graphics, Illustrations, Figure, and Cross-References.

- (a) Graphics, illustrations, figures, and related captions are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, figure, or caption, the text shall control.
- (b) In some instances, cross-references between chapters, sections, and subsections are provided that include the chapter, section, or subsection number along with the name of the reference. Where a conflict may occur between the given cross-reference number and name, the name shall control.
- (c) A table shall be considered text for the purposes of this code unless specifically identified as a figure.

§ 25-13. Burden of Proof.

The burden of demonstrating that an application or any development subject to this code complies with applicable review and approval standards is on the applicant. The burden is not on the City or other parties to show that the standards have been met by the applicant or person responsible for the development.



## Article II: Review Procedures

### § 25-14. Purpose.

The purpose of this article is to establish the review procedures that will ensure that the regulations set forth in this code are soundly and consistently applied, and that this code be properly administered.

### § 25-15. General Requirements.

#### (a) **Building Permit Required**

No building or structure shall be erected, added to, or structurally altered until a building permit has been issued by the Building Commissioner for the applicable work approved as authorized by this code. No such building permit shall be issued in violation of the provisions of this code.

#### (b) **Certificate of Occupancy**

- (1) Prior to the initial occupancy of any building or structure and prior to any change in occupancy or use, after all requirements of the City ordinances have been met, a certificate of occupancy shall be issued by the Building Commissioner, stating that the proposed use thereof complies with the requirements of the ordinances of the City of Kirkwood.
- (2) No nonconforming use shall be maintained, renewed or changed without a certificate of occupancy having first been issued by the Building Commissioner.
- (3) No permit for excavation for, the erection or alteration of, or repairs to any building shall be issued until an application has been made for a certificate of occupancy.

### § 25-16. Common Review Requirements.

The requirements of this section shall apply to all applications and procedures subject to development review under this code, unless otherwise stated.

#### (a) **Authority to File Applications**

- (1) Unless otherwise specified in this code, development review procedures established in this article and this code may be initiated by any person with a financial, contractual, or proprietary interest in the property to be developed according to the submitted plan.
- (2) The Planning and Zoning Commission or City Council may initiate code text and map amendments under this code with or without written authorization or application from the property owners who may be affected.

#### (b) **Application Submission Schedule**

The schedule for the submission of applications in relation to scheduled meetings and hearings of the review bodies shall be established by the Director of Public Services, and made available to the public.

#### (c) **Application Contents**

- (1) Applications required under this code shall be submitted in a form, in such numbers, and in a manner (digital or hard copy) as established by the Director of Public Services, and made available to the public.

- (2) The Director of Public Services may waive any of the items required as part of an application. However, such a waiver shall not prohibit the Planning and Zoning Commission, City Council, Board of Adjustment, or Architectural Review Board from requesting items previously waived by the Director of Public Services or any other additional information as deemed appropriate by such body.
- (3) Applications shall be accompanied by a fee as established by City Council pursuant to [§ 25-16\(g\)](#).

**(d) Complete Application Determination**

- (1) The Director of Public Services shall only initiate the review and processing of applications submitted as part of this code if such application is determined to be complete.
- (2) An application shall be determined to be complete if the applicant has submitted all of the forms, plans, maps, and other submittal information required for the specified application, in the numbers required.
- (3) The Director of Public Services shall make a determination of application completeness within 14 days of the application filing.
- (4) If the application is determined to be complete, the application shall then be processed according to the procedures and timelines set forth in this code.
- (5) If an application is determined to be incomplete, the Director of Public Services shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected and the Director of Public Services determines that the application is complete.
- (6) The City shall not be required to process an incomplete application, forward an incomplete application to any decision-making body, or be subject to any required timelines of review for incomplete applications.
- (7) If the applicant fails to correct all deficiencies and submit a complete application within 90 days of the notice provided by the Director of Public Services, the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. The Director of Public Services may grant one 60-day extension if just cause is shown.
- (8) No reconsideration of an incomplete application shall occur after expiration of the 90-day period or any granted extension, and an applicant in need of further development approval under the code shall, pursuant to all of the original requirements this code, submit a new application, and submit a new filing fee.
- (9) If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

**(e) Simultaneous Processing of Applications**

- (1) Whenever two or more forms of review and approval are required under this code, the Director of Public Services shall determine the order and timing of review.
- (2) The Director of Public Services may authorize a simultaneous review of applications so long as all applicable requirements are satisfied for all applications.

**(f) Pre-application Meetings**

- (1) Prior to filing an application, an applicant may request a meeting with the Director of Public Services or other staff members for a pre-application meeting to discuss the proposed application or project.

- (2) The purpose of the pre-application meeting shall be to discuss the proposed application or project, review submittal requirements, and discuss compliance with the provisions of this code and consistency with the recommendations of the comprehensive plan prior to the submission of an application.
- (3) The applicant should be prepared to provide all of the application submittal requirements established for the applicable review procedure pursuant to [§ 25-16\(c\)](#).
- (4) No action can be taken by the staff until the applicant submits an actual application and/or plan to the City pursuant to the laws and policies of the City. Therefore, all discussions that occur between the applicant and/or applicant's representative and staff that occur prior to the date the applicant submits an actual application and/or plan are not binding on the City and do not constitute official assurances or representations by the City or its officials regarding any aspects of the plan or application discussed.

**(g) Fees**

- (1) Any application for development review under this code shall be accompanied by such fee as shall be specified in Chapter 5, Article VIII of the City of Kirkwood Municipal Code.
- (2) The fees shall be in addition to any other fees that may be imposed by the City, State, St. Louis County, or other agency having jurisdiction.
- (3) Such fees are adopted to cover the cost to the City for investigations, legal advertising, postage, and other expenses resulting from the administration of the respective zoning activities.
- (4) Application fees are not refundable except where the Director of Public Services determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.

**(h) Professional Services, Legal Services, and Associated Studies**

- (1) The City has and continues to reserve the authority to charge and collect reimbursement for third-party building plan, site, or other review of any application, including, but not limited to, civil engineer, traffic engineer, landscape architect, urban forester, arborist, attorney, or any other professional costs and associated expenses. The City may implement an administrative escrow and/or deposit procedure whereby funds are deposited with the City in an amount equal to estimated third-party costs.
- (2) If the City makes a determination that an application requires professional services, the City may utilize its own professional staff such as the City Attorney's Office, Director of Public Services, City Forester, or may engage a professional to conduct the study and deliver the results to the City. The applicant shall pay the cost of the professional service plus administrative costs to the City of Kirkwood to retain the professional.
- (3) The professional services shall not commence without agreement of the applicant as to the costs of such study and the deposit with the City of the estimated fee for the professional services plus administrative costs of 10 percent of the estimated cost of the services or a minimum as set by City Council, by resolution, from time to time. The applicant shall be refunded any overpayment at the conclusion of the professional report, except the administrative cost to the City, which is a nonrefundable fee.

(4) The professional report or study shall become the property of the City for its sole use.

**(i) Public Notification for Public Meetings**

(1) For all public meetings required by this code, the City shall comply with the City of Kirkwood Municipal Code and all applicable State requirements regarding public notice.

(2) The Director of Public Services may post notice on any property requesting action by the Planning and Zoning Commission except for requests for time extensions.

**(j) Public Notification for Public Hearings**

(1) Applications for development approvals that require public hearings shall comply with all applicable State requirements and the public meeting notice requirements established in [§ 25-16\(i\)](#), above.

(2) The Director of Public Services shall be responsible for providing the required notice as specified by this subsection.

**(3) Content**

Notices for public hearings, whether by publication or mail (written notice), shall, at a minimum:

(i) Identify the address or location of the property subject to the application;

(ii) Indicate the date, time, and place of the public hearing;

(iii) Describe the land involved by street address, St. Louis County parcel identification number, or by legal description;

(iv) Describe the nature, scope, and purpose of the application or proposal;

(v) Identify the location (e.g., the offices of the Director of Public Services) where the public may view the application and related documents; and

(vi) Include a statement that the public may appear at the public hearing, be heard, and submit evidence and written comments with respect to the application.

**(4) Notice Requirements**

Published and mailed notice for public hearings shall be provided as defined in [Table 16-1](#).

<b>TABLE 16-1: NOTICE REQUIREMENTS FOR PUBLIC HEARINGS</b>		
<b>Development Review Procedure</b>	<b>Published Notice</b>	<b>Written (Mailed) Notice</b>
Code Text Amendment		No written notice is required for a text amendment.
Zoning Map Amendment	Published notice required a minimum of 15 calendar days before the applicable public hearing	Written notice to the applicant and all property owners shown by the City tax records to be within 300 feet of the outermost boundaries of the project shall be required prior to the hearing. City Council may waive the written notice requirement in the event of a comprehensive zoning map amendment.
Site Plan Review, Special Use Permit, Variance, Appeals	Published notice required a minimum of 15 calendar days before the City Council or Board of Adjustment public hearing	Written notice to the applicant and all property owners shown by the City tax records to be within 300 feet of the outermost boundaries of the project shall be required prior to the City Council or Board of Adjustment public hearing.
Development Plan Review	Published notice required a minimum of 15 calendar days before the City Council hearings	Written notice to the applicant and all property owners shown by the City tax records to be within 300 feet of the outermost boundaries of the project shall be required prior to the City Council public hearing.

**(5) Published Notice**

- (i) Published notice shall be provided in a minimum of one newspaper of general circulation.
- (ii) The content and form of the published notice shall be consistent with the requirements of this section and State law.

**(6) Written (Mailed) Notice**

- (i) Written notification of property owners shall apply only to the initial public hearing and shall not be required for any continuation of said hearing provided the continuation complies with [§ 25-16\(k\)\(2\)](#), below.
- (ii) Written notice shall be sent by first-class mail prior to the public hearing date at which the item will be considered.

**(7) Constructive Notice**

- (i) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the department having responsibility for notification to make a formal finding as to whether there was substantial compliance with the notice requirements of this code, and such finding shall be made available to the decision-making body prior to final action on the request.
- (ii) When the records of the City document the publication, mailing, and/or posting of notices as required by this chapter, it shall be presumed that notice of a public hearing was given as required by this section.

**(8) Incorrect Notice**

If there is an instance where notice is not provided, or is incorrectly provided (excluding minor issues addressed in [§ 25-16\(i\)\(7\)](#), due to an error outside of the applicant's control, the hearing or meeting shall be rescheduled for the next regularly scheduled meeting or may be rescheduled as a special meeting at the discretion of the applicable review board or City Council.

**(k) Conduct of Public Meetings and Hearings**

**(1) Rights of All Persons**

Any person may appear at a public hearing and submit information or evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state his or her address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

**(2) Continuance of a Public Meeting or Hearing, or Deferral of Application Review**

- (i) An applicant may request that a review or decision-making body's consideration of an application at a public meeting/hearing be deferred by submitting a written request for deferral to the Director of Public Services prior to the publication of notice as may be required by this code. The Director of Public Services may grant such requests, in which case, the application will be considered at the next regularly scheduled meeting.
- (ii) A request for deferral of consideration of an application received by the Director of Public Services after publication of notice of the public hearing as required by this code shall be considered as a request for a continuance of the public hearing, and may only be granted by the review or decision-making body.
- (iii) The review or decision-making body conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place. No additional notice is required if the fixed date, time, and place is announced at the time of the continuance.

**(l) Withdrawal of Application**

Any request for withdrawal of an application shall be either submitted in writing to the Director of Public Services by the applicant prior to action by the review or decision-making body.

- (1) The Director of Public Services shall approve a request for withdrawal of an application if it has been submitted prior to publication of notice for the public hearing on the application in accordance with this code.
- (2) If the request for withdrawal of an application is submitted after publication of notice for the public hearing in accordance with this code, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the review or decision-making body. Such action shall not be deemed as a decision on the subject application.

**(m) Examination and Copying of Application and Other Documents**

Documents and/or records may be inspected and/or copied in accordance with State law. At a minimum, the documents and/or records shall be available in the office of the Director of Public Services during the same time that notice is required in [§ 25-16\(i\)](#) and [§ 25-16\(j\)](#).

**(n) Effect of any Approvals**

- (1) The issuance of any approval, certificate, or permit under this code shall authorize only the particular development, alteration, construction, use, or similar activities approved in the subject application.
- (2) All development, alterations, construction, use, or similar activities authorized by approvals established in this code shall be maintained in accordance with such approvals and this code or such activity shall be deemed a violation of this code, subject to the penalties of [Article XIII: Enforcement and Penalties](#).
- (3) All approvals shall run with the land or use and shall not be affected by change in ownership unless otherwise specifically stated.

**(o) Modifications or Amendments of Approved Applications**

- (1) For any review procedure, the Director of Public Services is authorized to allow minor changes related to design of an approved application where the change is insignificant and has minimal impact to the overall design of the development or subdivision. This shall not give the Director of Public Services the authority to vary the requirements of this code or any conditions of approval.
- (2) Where the Director of Public Services determines that the proposed modification, amendment, or change is not minor, the applicant shall be required to resubmit an application and payment of additional fees for the application to be reviewed in accordance with the procedures and standards established for its original approval.

**(p) Reapplication after Denial of an Application**

If an application is denied, the applicant may:

- (1) Appeal the decision in accordance with the applicable appeals procedure established in this code or State law; or

- (2) Make changes to the application that will fully address all issues and findings identified for the denial and resubmit a new application, including any required fees. Any such resubmission shall contain evidence that shows how the new application has substantially changed to address each of the findings of the original decision. The Director of Public Services shall have the authority to determine if the evidence submitted substantially changes the application to address all issues as part of the complete application determination in [§ 25-16\(d\)](#). If it does not, the Director of Public Services shall return the application, with reasons for their determination in writing, along with any paid fees;
- (3) Submit the same application after a 24-month waiting period; or
- (4) Submit a new application if the proposed use and design of the site will be entirely different than the denied application.

**(q) Subsequent Development**

- (1) Development authorized by any approval under this section and this code shall not be carried out until the applicant has secured all other approvals required by this code or any other applicable provisions of the City or other agencies with jurisdiction over the proposed activity.
- (2) The granting of any approval, certificate, or permit shall not guarantee the approval of any other required certificate, permit, or application.
- (3) The City shall not be responsible for reviewing the application for compliance with any permits, certificates, or other approvals that may be required by the St. Louis County, State, or other agencies having jurisdiction.

**(r) Computation of Time**

- (1) In computing any period of time prescribed or allowed by this code, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not a Saturday, a Sunday, or a legal holiday as observed by the City of Kirkwood where the City administrative offices are closed for the entire day.
- (2) When the period of time is prescribed in days, the presumption shall be that it is in calendar days, including Saturdays, Sundays, and legal holidays unless otherwise stated.
- (3) When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation (i.e., business days and not calendar days).
- (4) All specified time periods shall be counted as consecutive days, weeks, months, etc., unless otherwise specified.

§ 25-17. Code Text and Map Amendment.

**(a) Purpose**

The purpose of the code text and zoning map amendment procedure is to provide a process for amending the zoning map and text of this code.

**(b) Applicability**

This section shall apply to requests to amend the text of this code or amend the Zoning Map of the City of Kirkwood, Missouri, hereafter referred to as the “zoning map.”



**(c) Initiation**

- (1) Any person who has authority to file an application (See [§ 25-16\(a\)](#).) may initiate an amendment by filing an application with the Director of Public Services.
- (2) City Council may initiate a code text or map amendment by passing a motion to initiate such amendment and referring said motion to the Planning and Zoning Commission.
- (3) The Planning and Zoning Commission may initiate a code text or map amendment by adopting a motion to make such an amendment.

**(d) Code Text or Map Amendment Review Procedure**

The review procedure for a code text or map amendment 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) For amendments that are not initiated by the Planning and Zoning Commission or City Council, the applicant shall submit an application in accordance with [§ 25-16](#), and with the provisions of this section.
- (ii) Amendments initiated by City Council or the Planning and Zoning Commission shall be reviewed in accordance with the procedure of this section.

**(2) Step 2 – Staff Review and Transmission to the Planning and Zoning Commission**

Upon determination that a zoning map amendment application is complete, the Director of Public Services shall distribute the application and any related reports and documentation to the Planning and Zoning Commission prior to the meeting where the application is to be reviewed.

**(3) Step 3 – Planning and Zoning Commission Review and Recommendation**

- (i) When the application is determined to be complete, the Planning and Zoning Commission shall review the code or zoning map amendment application at a public meeting.
- (ii) Notification of the public meeting shall be provided in accordance with [§ 25-16\(i\)](#).
- (iii) In reviewing the application, the Planning and Zoning Commission shall at a minimum, consider the reports and opinions transmitted by the Director of Public Services and the review criteria for zoning map or text amendments as established in this section.
- (iv) In making its decision, the Planning and Zoning Commission may recommend approval, approval with modifications, or denial of the application.
- (v) If the Planning and Zoning Commission fails to act within 90 days from the date the application is determined to be complete, or an extended period of time as may be agreed upon by the Planning and Zoning Commission and the applicant, then the application shall move forward to Step 4 with a recommendation of approval.

**(4) Step 4 – City Council Review and Decision**

- (i) Following receipt of the code text or zoning map amendment application and recommendation from the Planning and Zoning Commission, the City Council shall hold a public hearing to review the application.
- (ii) Notification of the public hearing shall be provided in accordance with [§ 25-16\(j\)](#).
- (iii) In reviewing the application, City Council shall at a minimum, consider the reports and opinions transmitted by the Director of Public Services, the recommendation from Planning and Zoning Commission, and the review criteria of this section.
- (iv) **Voting Requirements**
  - a. In the case that the Planning and Zoning Commission recommends denial of the application or in the case of a protest (See [§ 25-17\(d\)\(4\)\(iv\)b](#), below.) the City Council can only approve the application, or approve with modifications, with a favorable vote of two-thirds of all members of City Council.
  - b. A protest petition against any amendment application may be presented, in writing, to the City Clerk, in the form of a document duly signed and acknowledged by the owners of 30 percent or more either of the area of the land (exclusive of streets, places and alleys) included within the areas subject to such application or within an area determined by lines drawn parallel to and 185 feet distant from the boundaries of the district proposed to be amended.
  - c. If there is no protest or if the Planning and Zoning Commission recommends approval or approval with modification, the City Council may adopt, adopt with some modification, or deny the recommendation of the Planning and Zoning Commission with the concurrence of a simple majority of all members of City Council.

**(e) Review Criteria**

**(1) Zoning Map Amendments**

Recommendations and decisions on zoning map amendment applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

- (i) The proposed amendment is consistent with the comprehensive plan, other adopted City plans, and the stated purposes of this code;
- (ii) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;
- (iii) The proposed amendment will promote the public health, safety, convenience, and general welfare;
- (iv) The uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity;
- (v) Adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified;

- (vi) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;
- (vii) The proposed amendment will not constitute an instance where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances;
- (viii) The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract; and
- (ix) The proposed amendment would correct an error in the application of this code as applied to the subject property.

**(2) Zoning and Subdivision Code Text Amendments**

Recommendations and decisions on text amendment applications shall be based on consideration of the following review criteria:

- (i) The proposed amendment is consistent with the comprehensive plan, other adopted City plans, and the stated purposes of this code;
- (ii) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;
- (iii) The proposed amendment will promote the public health, safety, convenience, and general welfare; and
- (iv) The proposed amendment would correct an error in the application of this code as applied to the subject properties.

§ 25-18. Development Plan Review.

**(a) Purpose**

The purpose of the development plan review process is to set forth a procedure for certain intense uses, development activities in downtown, planned commercial districts, and community unit plans. The intent is to encourage opportunities for a broader mixture of uses and more intense development where such uses would be appropriate as recommended by the comprehensive plan and other adopted plans and as determined appropriate by the City of Kirkwood through this development plan review process. Additionally, the development plan review process provides for a thorough review of community unit plan applications where a property contains difficult terrain.

**(b) Applicability**

- (1) No construction or expansion of a building or structure, or use of land, buildings, or structures, shall be permitted in the following districts without the review and approval of a development plan pursuant to this section:
  - a. B-4 Planned Commercial District; or
  - b. B-5 Planned Commercial District
- (2) No construction or expansion of a mixed-use building or mixed-use development, or alteration of a site with such development, in the B-2 General Business District shall be permitted without the review and approval of a development pursuant to this section.
- (3) No construction or expansion of a development, permitted as a community unit plan pursuant to [Article IV: Community Unit Plans](#), shall be permitted without the review and approval of a development pursuant to this section.

- (4) Where a development plan is required, no building permit shall be issued until a site plan has been approved in accordance with the requirements of this section and [§ 25-19, where required.](#)
- (5) If the Director of Public Services determines that the proposed development involves only accessory or temporary structures, contains a single building on a lot, or is of such a small-scale as to not warrant the need for a separate development plan and site plan review, the Director of Public Services may authorize a simultaneous review of the development plan and site plan. The Director of Public Services shall always retain the authority to require any development to go through a two-step development plan and site plan review process.
- (6) A change in use, re-occupancy of an existing building, or the internal construction or change in floor area of a building or structure that does not increase gross floor area, increase the intensity of use, or affect parking or landscaping requirements on a site that meets all of the development standards of this code shall not require a development plan approval.

**(c) Development Plan Review Procedure**

The review procedure for a development plan 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**

The applicant shall submit an application in accordance with [§ 25-16](#), and with the provisions of this section.

**(2) Step 2 – Staff Review and Transmission to the Planning and Zoning Commission**

Upon determination that a development plan application is complete, the Director of Public Services shall distribute the application and any related reports and documentation to the Planning and Zoning Commission prior to the hearing where the application is to be reviewed.

**(3) Step 3 – Review and Recommendation by the Planning and Zoning Commission**

- (i) Within 120 days after the application is determined to be complete, the Planning and Zoning Commission shall review the development plan application at a public meeting.
- (ii) Notification of the public meeting shall be provided in accordance with [§ 25-16\(i\).](#)
- (iii) In reviewing the application, the Planning and Zoning Commission shall at a minimum, consider the reports and opinions transmitted by the Director of Public Services and the review criteria for development plans as established in this section.
- (iv) In its review of an application, the Planning and Zoning Commission may request that the applicant supply additional information that the Planning and Zoning Commission deems necessary to adequately review and evaluate the proposed development.
- (v) In making its decision, the Planning and Zoning Commission may recommend approval, approval with modifications or supplementary conditions, or denial of the application.

- (vi) If the Planning and Zoning Commission fails to act within 120 days from the date the application is determined to be complete, or an extended period as may be agreed upon by the Planning and Zoning Commission and the applicant, then the application shall move forward to Step 4 with a recommendation of approval.

**(4) Step 4 –Review and Decision by the City Council**

- (i) Following receipt of the development plan application and recommendation from the Planning and Zoning Commission, the City Council shall hold a public hearing to review the application.
- (ii) Notification of the public hearing shall be provided in accordance with [§ 25-16\(j\)](#).
- (iii) In reviewing the application, the City Council shall at a minimum, consider the reports and opinions transmitted by the Director of Public Services, the recommendation from the Planning and Zoning Commission, and the review criteria for development plans as established in this section.
- (iv) In its review of an application, the City Council may request that the applicant supply additional information that the City Council deems necessary to adequately review and evaluate the proposed development.
- (v) The City Council shall also have the authority to return the application to the Planning and Zoning Commission for further study and report.
- (vi) In making its decision, the City Council may approve, approve with modifications or supplementary conditions, or deny the application by resolution.

**(5) Step 5 – Final Site Plan Review**

- (i) No building permit shall be issued to construct any part or all of the development in the district or for the mixed-use development in the B-2 District until such time as the City Council has approved a site plan for the subject development. However, site grading to prepare the tract for development may be permitted by the City Council as a condition of approval of the development plan.
- (ii) The site plan shall be reviewed in accordance with [§ 25-19](#); however, a public hearing shall not be required for the final site plan review when said plan is consistent with the approved development plan.
- (iii) A site plan review shall not be required for single-family dwellings approved as part of a community unit plan.

**(d) Review Criteria**

Decisions on development plan review applications shall be based on consideration of the following criteria:

- (1) The development is consistent with all the requirements of this code, and other related codes and ordinances enforced by the City;
- (2) The development complies with the applicable zoning district regulations;
- (3) The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property;

- (4) The development will preserve and be sensitive to the natural characteristics, including topography, of the site in a manner that complies with the applicable regulations set forth in this code and is not designed in a manner that will adversely affect the normal and orderly development or improvement of surrounding properties;
- (5) Adequate provision is made for safe and efficient pedestrian, bicycle, and vehicular circulation within the site and to adjacent property;
- (6) The development plan demonstrates 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 the development site;
- (7) The development plan takes into consideration 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;
- (8) The development plan accommodates 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;
- (9) The development plan takes into consideration the impact on nearby historic districts and landmarks whether designated locally or nationally;
- (10) The design of the site surface drainage provides for the reasonable removal of stormwater so as not to adversely affect neighboring properties;
- (11) All structures have access to a public street, walkway, or other area designated for common use;
- (12) The proposed development does not adversely affect off-site public services, including sewer, water, and streets, nor adversely affect the character of the neighborhood, nor adversely affect the general welfare of the community;
- (13) Pedestrian and cyclist connectivity will be provided in accordance with the Kirkwood Pedestrian and Bicycle Plan;
- (14) Points of ingress/egress to the development are controlled and designed in such manner as to minimize conflicts with adjacent properties and developments;
- (15) Adequate provision is made for emergency vehicle access and circulation; and
- (16) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing criteria are complied with at the completion of each stage.

**(e) Alternative Equivalency Review**

Any application for alternative equivalency review proposed as part of the development plan shall be considered simultaneously with the site plan review and shall be further subject to the requirements of [§ 25-22](#).

**(f) Time Limit**

Within 12 months of the date the development plan is approved, the applicant shall file a site plan application (See [§ 25-19](#).) or the development plan approval shall expire unless an alternative time schedule has been approved as part of the development plan review.

**(g) Amendments to Approved Development Plans**

- (1) The owner or owners of any tract of land with an approved development plan (or existing use and development) shall file an application for amendment to said plan in compliance with [§ 25-16](#) and this section.

- (2) If the proposed amendment substantially modifies the approved development plan by intensity of use, traffic impact, or construction or expansion of a structure or parking area by more than 5,000 square feet, the plan shall be reviewed in the same manner as the original development plan application in accordance with this section.
- (3) If the proposed amendment modifies the site plan of the approved development plan, the amendment shall be reviewed by the Planning and Zoning Commission and City Council as a final site plan in accordance with [§ 25-19](#).
- (4) Minor revisions to the final site plan may be approved by the Director of Public Services if such revisions satisfy the intent of the approved site plan.

**(h) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the City Council shall have the right to appeal the decision to the St. Louis County Circuit Court.

§ 25-19. Site Plan Review.

**(a) Purpose**

The purpose of this section is to require site plan review for buildings, structures, and uses to analyze the impacts on natural resources, traffic patterns, adjacent parcels, and the character of future development. The regulations contained herein are intended to provide and promote orderly developments within the City to meet the purposes of this code as established in [§ 25-1](#) and furthermore to ensure:

- (1) The compatibility with adjoining and neighboring parcels;
- (2) The maintenance and improvement of the general welfare and character of the developments within the community, with proper attention to setting and the avoidance of unsightly appearances; and
- (3) Other factors conducive to the proper development of the City.

**(b) Applicability and Review Authority**

- (1) Unless specifically exempted in [§ 25-19\(c\)](#), no construction or expansion of a building or structure, or use of land, buildings, or structures, shall be permitted without the review and approval of a site plan pursuant to this section.

**(2) Minor Site Plan Review Applicability**

- (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.
- (ii) The Director of Public Services shall have the authority to forward a minor site plan review application to the Planning and Zoning Commission and City Council for review as a major site plan if the Director of Public Services finds:
  - a. That the proposed use or development could potentially create significant impacts on an adjacent property based on the intensity or proximity of the proposed use or development; or
  - b. There is difficulty in interpreting the application of a standard or regulation as it pertains to the subject site.

- (iii) 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.

**(3) Major Site Plan Review Applicability**

- (i) Any use, building, or structure that is considered a special use in [§ 25-35](#) or that requires a development plan approval prior to a site plan review shall be reviewed as a major site plan.
- (ii) Any site plan application that includes a request for alternative equivalency review (See [§ 25-22](#).), shall be classified as a major site plan.
- (iii) All other development and activities not identified in [§ 25-19\(b\)\(2\)](#) above, or activities specifically exempted from site plan review, shall be reviewed as a major site plan.

**(c) Exemptions**

The following activities shall be exempted from site plan review under this section:

- (1) Construction or modification of single-family dwellings;
- (2) Construction or modification of accessory structures or uses established on a lot with a single-family dwelling; and
- (3) A change in use, re-occupancy of an existing building, or the internal construction or change in floor area of a building or structure that does not increase gross floor area, increase the intensity of use, or affect parking or landscaping requirements on a site that meets all of the development standards of this code.

**(d) Minor Site Plan Review Procedure**

The review procedure for a minor site plan 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**

The applicant shall submit an application in accordance with [§ 25-16](#), and with the provisions of this section.

**(2) Step 2 – Staff Review and Decision**

- (i) The Director of Public Services shall make a decision on the minor site plan review application. In making its decision, the Director of Public Services may approve or deny the application.
- (ii) Prior to finalizing approval of the application, the Director of Public Services shall have the authority to provide comments to the applicant regarding necessary revisions to bring the application into full compliance. The application shall not be deemed formally approved until the applicant makes all of the appropriate changes and submits all necessary revised forms, maps, plans, and documents to the Director of Public Services. The Director of Public Services shall make a final decision within 30 days after the resubmission of revised plans that show compliance with this code.

**(e) Major Site Plan Review Procedure**

The review procedure for a major site plan 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**

The applicant shall submit an application in accordance with [§ 25-16](#), and with the provisions of this section.

**(2) Step 2 – Staff Review and Transmission to the Planning and Zoning Commission**

Upon determination that a site plan application is complete, the Director of Public Services shall distribute the application and any related reports and documentation to the Planning and Zoning Commission prior to the meeting where the application is to be reviewed.

**(3) Step 3 – Review and Recommendation by the Planning and Zoning Commission**

- (i)** The Planning and Zoning Commission shall review the site plan application at a public meeting.
- (ii)** Notification of the public meeting shall be provided in accordance with [§ 25-16\(i\)](#).
- (iii)** During the public meeting, the Planning and Zoning Commission will hear a presentation from the applicant and allow other interested parties to make comments.
- (iv)** In reviewing the application, the Planning and Zoning Commission shall at a minimum, consider the reports and opinions transmitted by the Director of Public Services and the review criteria for site plans as established in this section.
- (v)** In its review of an application, the Planning and Zoning Commission may request that the applicant supply additional information that the Planning and Zoning Commission deems necessary to adequately review and evaluate the proposed development.
- (vi)** In making its decision, the Planning and Zoning Commission may recommend approval, approval with modifications or supplementary conditions, or denial of the application.
- (vii)** If the Planning and Zoning Commission fails to act within 120 days from the date the application is determined to be complete, or an extended period of time as may be agreed upon by the Planning and Zoning Commission and the applicant, then the application shall advance to Step 4 with a recommendation of approval.

**(4) Step 4 – Review and Decision by the City Council**

- (i)** Following receipt of the site plan application and recommendation from the Planning and Zoning Commission, the City Council shall hold a public hearing to review the application.
- (ii)** Notification of the public hearing shall be provided in accordance with [§ 25-16\(j\)](#).
- (iii)** In reviewing the application, the City Council shall at a minimum, consider the reports and opinions transmitted by the Director of Public Services, the recommendation from the Planning and Zoning Commission, and the review criteria for site plans as established in this section.

- (iv) In its review of an application, the City Council may request that the applicant supply additional information that the City Council deems necessary to adequately review and evaluate the proposed development.
- (v) The City Council shall also have the authority to return the application to the Planning and Zoning Commission for further study and report.
- (vi) In making its decision, the City Council may approve, approve with modifications or supplementary conditions, or deny the application by resolution.
- (vii) If the City Council imposes conditions or restrictions, it shall designate specific requirements that must be met before an applicant may be granted final approval of a site plan. Failure to comply with any of these conditions or restrictions shall constitute a violation of this code punishable as set forth in [Article XIII: Enforcement and Penalties](#).

**(f) Alternative Equivalency Review**

Any application for alternative equivalency review proposed as part of the site plan shall be considered simultaneously with the site plan review and shall be further subject to the requirements of [§ 25-22](#).

**(g) Site Plan Modification**

Modifications from existing zoning requirements might be considered by the Planning and Zoning Commission and the City Council in relation to property line setbacks) (except for the set back 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 that is possible under the regulations otherwise applicable to the property. Quality includes vegetation that is appropriate for 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 non-residential 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 non-motorized 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 storm water 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.

**(h) Review Criteria**

Decisions on site plan review applications shall be based on consideration of the following criteria:

- (1) The development is consistent with recommendations in the approved comprehensive plan and other plans and policies adopted by the City;
- (2) The development complies with all the requirements of this code, and other related codes and ordinances enforced by the City;
- (3) The development complies with the applicable zoning district regulations;
- (4) The development meets all the requirements or conditions of any applicable development approvals (e.g., special use approvals, variance approvals, etc.);
- (5) The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property;
- (6) The development will preserve and be sensitive to the natural characteristics, including topography, of the site in a manner that complies with the applicable regulations set forth in this code and is not designed in a manner that will adversely affect the normal and orderly development or improvement of surrounding properties;
- (7) The application includes a reasonable plan and guarantees for the private care and maintenance of all open spaces or green spaces;
- (8) The site plan takes into consideration the impact on nearby historic districts and landmarks whether designated locally or nationally;
- (9) Adequate provision is made for safe and efficient pedestrian, bicycle, and vehicular circulation within the site and to adjacent property;
- (10) The development will provide adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas;
- (11) The landscaping and buffering will be preserved in its natural state, insofar as reasonably practicable, by minimizing tree and soil removal, and by topographic modifications that result in harmony with adjacent areas giving consideration to the landscape requirements set forth in [Article VIII: Landscaping and Buffering Standards](#);
- (12) The design of the site surface drainage provides for the reasonable removal of stormwater so as not to adversely affect neighboring properties;
- (13) All structures have access to a public street, walkway or other area designated for common use;
- (14) The proposed development does not adversely affect off-site public services, including sewer, water, and streets, nor adversely affect the character of the neighborhood, nor adversely affect the general welfare of the community;

- (15) Pedestrian and cyclist connectivity will be provided in accordance with the Kirkwood Pedestrian and Bicycle Plan;
- (16) Fences and walkways are used, as appropriate, for the protection and enhancement of property, for the safety of pedestrians, and for the privacy of its occupants and occupants of adjacent property;
- (17) Points of ingress/egress to the development are controlled and designed in such manner as to minimize conflicts with adjacent properties and developments;
- (18) Adequate provision is made for emergency vehicle access and circulation; and
- (19) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing criteria are complied with at the completion of each stage.

**(i) Performance Guarantees**

As part of the site plan review process, a performance guarantee shall be required in accordance with [§ 25-75](#) to ensure restoration of the site, protection and installation of public improvements, and compliance with the conditions of approval, including the requirements for drives, walkways, utilities, parking, public improvements, landscaping, screening, and the like.

**(j) Significance of an Approved Plan**

- (1) An approved site plan shall become, for the proposed development, a binding commitment of the specific elements approved for development. The approved site plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. Such a transfer shall occur only if the new ownership entity satisfies the administrative, financial, legal, and all other performance guarantees approved with the original site plan.
- (2) All construction and development under any building permit shall be in accordance with the approved site plan. Any departure from such plan shall be cause for revocation of the building permit, and the property owner or other responsible parties are subject to penalties as prescribed by this code.

**(k) Minor Site Plan Reporting**

The Director of Public Services shall provide the Planning and Zoning Commission and City Council with quarterly reports on all decisions made related to minor site plan applications.

**(l) Phased Development**

- (1) In the event an applicant desires to present a site plan identifying the construction of a complex of buildings and site improvements to be developed over an extended period of time, a detailed site plan shall be submitted for approval by the Planning and Zoning Commission and City Council in accordance with this section for each specific building project. The site plan shall include a proposed time schedule for each phase of the project.
- (2) Such detailed site plans may be submitted in advance of or in conjunction with an application for a building permit.
- (3) Of primary importance in this review will be a determination that the detailed site plan complies with the site plan approval for the total development or project.
- (4) In instances of phased development, the portions of the site not under active construction shall be maintained according to all City codes and in no way shall the active construction cause the remaining portions to become a property maintenance issue.

**(m) Time Limit**

- (1) Within 12 months of the date the site plan is approved, the applicant shall be required to gain approval of a building permit for the relevant work and have commenced substantial construction. Failure to comply with this timing shall result in the expiration of the site plan approval unless an alternative time schedule has been approved as part of a phased development (See [§ 25-19\(k\)](#).) or as part of a development plan approval, where applicable.
- (2) The City Council may, by resolution, grant up to two extensions not exceeding 12 months each upon written request submitted no later than 30 days prior to the date such site plan approval shall expire. Such written request shall include the original application, documentation of a need for a time extension, and a filing fee in accordance with [§ 25-16](#). The City Council shall have the authority in such cases to attach new conditions to its reapproval or disapprove the reapplication. Where the application for reapproval contained changes that the City Council concludes materially alter the initial application, it shall refer the application to the Director of Public Services who shall initiate a new site plan review procedure in accordance with the provisions herein.

**(n) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the City Council shall have the right to appeal the decision to the St. Louis County Circuit Court.

§ 25-20. Special Use Permit.

**(a) Purpose**

The purpose of a special use permit is to allow consideration for certain uses that due to the use's unique and special nature relative to location, design, size, operations, circulation, or general impact on the community, may be appropriate in the designated districts but need to be evaluated on a case-by-case basis.

**(b) Applicability**

- (1) This section shall apply to all applications for establishment of a new special use.
- (2) This section shall also apply to any proposed change, modification, enlargement, or alteration of an approved special use, or the site development conditions, or operations of an approved special use unless the Director of Public Services determines that the alteration is minor in nature, in which case, the alteration can be reviewed through the building permit application.

**(c) Existing Use Reclassified as a Special Use**

In the event an existing use that was permitted, without a special use permit approval, at the time the use was established is thereafter reclassified as a special use in the applicable district due to a zoning text amendment, such use shall be considered to be an approved special use without any further action. However, any subsequent change to such use shall require review and approval by the Planning and Zoning Commission in accordance with this section. Such use, provided it is established as a special use in the applicable district, shall not be considered a nonconforming use.

**(d) Special Use Permit Review Procedure**

- (1) A special use permit application shall be reviewed in the same manner as a major site plan review, as set forth in [§ 25-19\(e\)](#).
- (2) Any notifications required for public meetings and public hearings shall be as set forth for special use permits in [§ 25-16\(i\)](#) and [§ 25-16\(j\)](#), as applicable.

- (3) In reviewing the application, the Planning and Zoning Commission and City Council shall at a minimum, consider the reports and opinions transmitted by the Director of Public Services and the review criteria for site plans as established in this section. City Council shall also consider any recommendation from the Planning and Zoning Commission.
  - (4) As part of City Council's public hearing, City Council shall determine whether such buildings, structures, or use will:
    - (i) Substantially increase traffic hazards or congestion;
    - (ii) Substantially increase fire hazards;
    - (iii) Adversely affect the character of the neighborhood;
    - (iv) Adversely affect the general welfare of the community; or
    - (v) Overtax public utilities.
- (e) **Review Criteria**
- Decisions on a special use application shall be based on consideration of the following review criteria. All special uses shall be subject to review under the criteria of this section, as applicable, and may be subject to additional use-specific standards established in [§ 25-36](#).
- (1) The proposed special use is established as an allowed special use in the applicable zoning district;
  - (2) The proposed use and design are consistent with the general purpose of this code;
  - (3) The proposed use complies with any use-specific standards as may be established for the special use;
  - (4) Any building or structure constructed, reconstructed, or altered as part of a special use in a residential zoning district shall, to the maximum extent feasible, have an exterior appearance that the Planning and Zoning Commission and City Council deems compatible with surrounding residential buildings in scale, height, and massing.
  - (5) The special use shall have suitable landscaping, screening, and fencing wherever deemed necessary by the Planning and Zoning Commission and City Council to protect surrounding uses;
  - (6) The proposed use will comply with all applicable development standards subject to provisions for waivers and/or variances as established in this code;
  - (7) The proposed use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area;
  - (8) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
  - (9) The circulation on and access to the property shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
  - (10) The design of the buildings, structures, and site will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance;
  - (11) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district; and

(12) Wherever no specific areas, frontage, height, or setback requirements are specified in the requirements for a specific special use, then such use shall be subject to the site development standards for the applicable zoning district.

**(f) Additional Criteria and Conditions**

- (1) The City Council may impose additional conditions, guarantees, and safeguards as it deems necessary to protect the general welfare and individual property rights, and to ensure that the special use will meet the intent and purposes of this code.
- (2) All activities, programs, and other events proposed on plans shall be directly related to the special use so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.

**(g) Revocation of a Special Use Permit Approval**

The breach of any condition, safeguard, or requirement shall constitute a violation of this code. Such violation may result in revocation of said approval and shall be punishable as specified in [Article XIII: Enforcement and Penalties](#).

**(h) Time Limit**

- (1) A special use permit approval shall be deemed to authorize only one particular special use and said permit shall automatically expire if, for any reason, the special use shall be voluntarily abandoned for more than 120 consecutive days.
- (2) The applicant shall have commenced operation of the special use or commenced construction of the special use within one year of the approval of the special use permit or the special use approval shall expire.
- (3) The applicant may seek to extend the expiration date established in the paragraphs above by submitting a request to City Council, in writing, no later than 30 days prior to the date such special use approval will expire. The City Council may extend such application for an additional one year from the anticipated date of expiration, unless the conditions pertaining to the granting of such special use permit have materially changed and such special use permit would not have been granted if an original application were then submitted. Subsequent one-year extensions may be granted provided, however, no more than three such extensions may be granted. No special use permit shall be deemed to terminate pending consideration by the City Council of a timely filed application for extension.
- (4) Unless expressly authorized at the time of the granting of a special use permit, or upon subsequent application after notice and hearing in the same manner as provided for in the original application, all construction and site development shall be completed within 18 months after the issuance of the related building permit or the special use permit shall expire.
- (5) As part of the special use approval, the City Council may authorize alternative time limits for building permit issuance based on the scale of the proposed development.
- (6) Upon expiration of a special use approval, a new application, including all applicable fees, shall be required before a special use application will be reviewed.

**(i) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the City Council shall have the right to appeal the decision to the St. Louis County Circuit Court.

§ 25-21. Architectural Review.

**(a) Purpose**

The purpose of the architecture review is to provide a procedure by which to review building construction, renovation, and expansion, as well as signs, in a manner that encourages development that will contribute to the City of Kirkwood's unique sense of place. The purpose is not to set a specific architectural style or mandate uniformity but rather to encourage creativity while simultaneously improving design quality in neighborhoods, gateways, downtown, and business activity areas that reflects the community's physical and historic character, while adding to it in appropriate ways.

**(b) Applicability**

- (1)** The Architectural Review Board is responsible for architectural review in the City of Kirkwood and its decisions are either advisory or binding based on the types and locations of the buildings and structures as defined herein.
- (2)** No building permit for construction, reconstruction, or other exterior alteration of buildings and structures identified in this section shall be issued without a decision of the Architectural Review Board as set forth in this section unless otherwise stated.

**(3) Advisory Decisions**

Architectural review shall be required for the construction or expansion of all new single-family dwellings and the construction and expansion of all accessory buildings related to single-family dwellings.

**(4) Binding Decisions**

Architectural review shall be required and shall be binding for all of the following development and activities:

- (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.

**(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 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 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.
- b. If the Architectural Review Board fails to act within 30 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.

**(vi) Additional Review for Historic Structures or Structure in Historic Districts**

If the application concerns a structure that is located within a locally designated historic district, or if the structure itself is a designated local landmark, the architectural review process will include the following additional steps:

- a. The Landmarks Commission will review the proposed development or activity and make a decision prior to the Architectural Review Board's review under this section.
- b. If there is a conflict between the Landmarks Commission decision and the Architectural Review Board's decision, a joint meeting of both boards will be held to discuss the application.
- c. If there is any conflict between the historic district design guidelines and the architectural standards and guidelines of [Article VII: Architectural Guidelines](#), the historic design guidelines shall govern.

**(d) Review Criteria**

Decisions on architectural review shall be based on consideration of the following criteria:

- (1) The proposed development complies with all the requirements of this code and other related codes and ordinances enforced by the City;
- (2) The proposed development incorporates any applicable guidelines (See [Article VII: Architectural Guidelines.](#)) to the maximum extent feasible;

- (3) The application is appropriate to the preservation of the environmental, architectural, or the historic character (if applicable) of the structure and property pursuant to the design criteria found in this code; and
- (4) The proposed development meets all the requirements or conditions of any applicable development approvals (e.g., planned development approvals, special use approvals, variance approvals, etc.).

**(e) Time Limit**

- (1) Within 12 months of the date the architectural review application is approved, the applicant shall be required to gain approval of a building permit for the relevant work and have commenced substantial construction. Failure to comply with this timing shall result in the expiration of the architectural review approval unless an alternative time schedule has been approved by the Architectural Review Board.
- (2) The Architectural Review Board may grant up to two extensions not exceeding 12 months each upon written request submitted no later than 30 days prior to the date such architectural review approval shall expire.

**(f) Appeals**

Any person or entity claiming to be injured or aggrieved by any binding decision of the Architectural Review Board shall have the right to appeal the decision to the St. Louis County Circuit Court.

§ 25-22. Alternative Equivalency Review.

**(a) Purpose**

The alternative equivalency review is a procedure that allows applicants to propose unique design options as an alternative to a development standard established in this code provided it meets or exceeds the intent of the design-related provisions of this code. It is not a variance, waiver, or weakening of regulations; rather, this procedure permits a site-specific plan that is equal to or better than the strict application of a design standard specified in this code. An alternative equivalency approval shall apply only to the specific site for which it is requested and does not establish a precedent for assured approval of other requests.

**(b) Applicability**

The equivalency provision review procedure shall be available only for the following sections of this code:

- (1) [§ 25-52: Outdoor Lighting.](#);
- (2) [Article VII: Architectural Guidelines](#);
- (3) [Article VIII: Landscaping and Buffering Standards](#); and
- (4) [Article IX: Parking, Access, and Mobility Standards](#).

**(c) Review Board**

- (1) Any alternative equivalency review application related to an architectural guideline shall be reviewed by the Architectural Review Board as part of the architectural review application.
- (2) All other alternative equivalency review applications shall be reviewed by the Planning and Zoning Commission and City Council as part of a development plan (if applicable) or site plan review application.

**(d) Review Timing**

A request for an alternative equivalency review shall be made concurrently with a development plan, site plan, or architectural review application, whichever is applicable.

**(e) Alternative Equivalency Review Procedure**

The review procedure for an alternative equivalency 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**

The applicant shall submit an application in accordance with [§ 25-16.](#) and with the provisions of this section.

**(2) Step 2 – Staff Review and Transmission to the Applicable Board or Commission**

Upon determination that an alternative equivalency review application is complete, the Director of Public Services shall distribute the application to Architectural Review Board or Planning and Zoning Commission, as applicable.

**(3) Step 3 – Board Review and Decision**

**(i)** The applicable review board shall consider the application as part of the architectural review, site plan review, and/or development plan review application as set forth in this article.

**(ii)** The applicable board or commission shall make a decision on the application. In making its decision, the applicable board or commission may approve, approve with modifications or supplementary conditions, or deny the application.

**(iii)** If approved, any building permit application shall demonstrate compliance with the equivalency provision review approval.

**(f) Review Criteria**

Decisions on an alternative equivalency review application shall be based on consideration of the following criteria:

**(1)** That the proposed alternative achieves the intent of the subject design or development standard to the same or better degree than the subject standard;

**(2)** That the proposed alternative achieves the goals and policies of the comprehensive plan to the same or better degree than the subject standard;

**(3)** That the proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject standard; and

**(4)** That the proposed alternative imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this code.

**(g) Conditions**

The Planning and Zoning Commission or the Architectural Review Board, as applicable, may impose conditions on an approval for an alternative equivalency review provided such conditions are related to ensuring the performance of the equivalency provision review to meet or exceed the subject standard. Such conditions may include required timeframes, amendments or revisions to the proposal, or the ability to revoke an approval for an equivalency provision review.

**(h) Decisions**

Any decision on an alternative equivalency review application shall not be binding on the City related to future applications requesting an alternative to any of the applicable standards. Each case shall be reviewed and decided upon based on the individual circumstances.

**(i) Time Limit**

- (1)** An approval of an alternative equivalency review application shall expire if the related site plan approval or building permit expires.
- (2)** Upon expiration of an alternative equivalency review approval, a new application, including all applicable fees, shall be required before a new application will be reviewed.

**(j) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action on an alternative equivalency review shall have the right to appeal the decision based on the appeals procedure for the architectural review, site plan review, and/or development plan review, as applicable, with which the alternative equivalency review application is being reviewed simultaneously.

§ 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.
- (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](#).

§ 25-24. Variances.

**(a) Purpose**

The purpose of a variance is to provide limited relief from the requirements of this code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship. It is not intended that a variance be granted merely to remove inconveniences or financial burdens that the requirements of this code may impose on property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

**(b) Variance Review Procedure**

The review procedure for a variance 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**

The applicant shall submit an application in accordance with [§ 25-16](#), and with the provisions of this section.

**(2) Step 2 – Staff Review and Transmission to the Board of Adjustment**

Upon determination that a variance application is complete, the Director of Public Services shall distribute the application and any related reports and documentation to the Board of Adjustment prior to the meeting where the application is to be reviewed.

**(3) Step 3 – Board of Adjustment Review and Decision**

- (i) Within a reasonable amount of time after the application is determined to be complete, the Board of Adjustment shall hold a contested public hearing on the variance application.
- (ii) The Board of Adjustment shall review the variance application during a contested public hearing.

- (iii) Notification of the contested public hearing shall be provided in accordance with [§ 25-16\(j\)](#).
- (iv) In reviewing the application, the Board of Adjustment shall at a minimum, consider all sworn testimony, documents, records, reports, and the reports and opinions transmitted by the Director of Public Services and the review criteria of this section.
- (v) The Board of Adjustment may request that the applicant supply additional information that the Board of Adjustment deems necessary to review and evaluate the request for a variance.
- (vi) In making its decision, the Board of Adjustment may approve, approve with modifications or supplementary conditions, or deny the application.
- (vii) In making its decision, the Board of Adjustment shall make specific findings of fact based directly on the particular evidence presented that the reasons set forth in the application, and as presented by the applicant during the contested public hearing, justify the approval, approval with modifications or supplementary conditions, or denial of the variance application.
- (viii) In approving a variance, the Board of Adjustment may impose conditions on the approval, the proposed use, and the premises to be developed or used pursuant to such approval as it determines are required to ensure compliance with the standards of this section and the purpose of this code. Any conditions established by the Board of Adjustment shall relate directly to the requested variance.
- (ix) Any violation of the conditions of approval shall be a violation of this code, subject to the enforcement and penalties of [Article XIII: Enforcement and Penalties](#).

**(c) Review Criteria**

**(1) Area or Dimensional Variance**

Where an applicant is seeking an area or dimensional variance, the following factors shall be considered and weighed by the Board of Adjustment to determine if a practical difficulty exists that would justify approval of the variance. However, no single factor listed below may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

- (i) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity; narrowness, shallowness or steepness of the lot; or proximity to non-conforming and inharmonious uses, structures or conditions;
- (ii) Whether the variance is not substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
- (iii) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
- (iv) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;

- (v) Whether the property owner's request can be obviated through some method other than a variance;
- (vi) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
- (vii) Whether a strict interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.

**(2) Use Variance**

In order to grant a use variance, the Board of Adjustment shall determine that strict compliance with the terms of this code will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:

- (i) The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;
- (ii) The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- (iii) The hardship condition is not created by actions of the owner not including the purchase or acquisition of the property;
- (iv) The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
- (v) If there is an existing building on the lot, that such building, due to its design, cannot be reasonably reused for a permitted use or special use in the district;
- (vi) The granting of the variance will not adversely affect the public health, safety, convenience, or general welfare;
- (vii) The proposed use to be authorized by the use variance would not constitute a change in the district map, impair an adequate supply of light and air to adjacent property, increase congestion in public streets, increase the danger of fire, materially diminish or impair established property values within the surrounding area, and would not in any other respect impair the public health, safety, convenience, and general welfare of the City;
- (viii) The variance will be consistent with the general spirit and intent of this code; and
- (ix) The variance sought is the minimum that will afford relief to the applicant.

**(d) Time Limit**

- (1) The applicant shall submit a completed application for a building permit within one year of the date the variance was approved or the approval shall expire unless an alternative schedule was approved by the Board of Adjustment in its approval.
- (2) Any variance granted by the Board of Adjustment that does not require an application for a building permit, is automatically rescinded after one year from the date of the Board of Adjustment's decision if no use of the variance is made within the one-year period.
- (3) The Director of Public Services shall notify the Board of Adjustment of all variances which are rescinded.
- (4) Upon expiration of a variance approval, a new application, including all applicable fees, shall be required before a new variance will be reviewed.



**(e) Appeals of the Board of Adjustment Decision**

- (1)** Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, any neighborhood organization as defined in Section 32.105, RSMo., representing such person or persons, or any officer, department, board or bureau of the City, may present to the circuit court having jurisdiction in St. Louis County, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality and asking for relief therefrom. Such petition must be presented to the court within 30 days after the filing of the decision in the office of the Board of Adjustment.
- (2)** Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board of Adjustment and on due cause shown, grant a restraining order. The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with the findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which a determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
- (3)** Costs shall not be allowed against the Board of Adjustment unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.

§ 25-25. Appeals.

**(a) Purpose**

This section sets out the procedures to follow when a person claims to have been aggrieved or affected by an administrative decision made in the administration or enforcement of this code.

**(b) Applicability**

- (1)** An appeal may be made where it is alleged there is an error in any order, requirement, decision, or determination made by the Director of Public Services, or any other administrative official given the authority to make such order, requirement, decision, or determination by this code.
- (2)** An appeal may not be made to the Board of Adjustment when the Planning and Zoning Commission is making a recommendation to City Council as part of a legislative action such as a code text or map amendment.

**(c) Initiation**

The appeals may be taken by any person aggrieved, by any neighborhood organization as defined in Section 32.105, RSMo., or by any officer, department, board or bureau of Kirkwood affected by any order, requirement, decision or determination of the Director of Public Services or any other administrative official given the authority to make a decision as authorized by this code.

**(d) Appeals Review Procedure**

The review procedure for appeals shall be as follows:

**(1) Step 1 – Submission of Appeal**

The aggrieved party must file an application to appeal within 30 days of the order, requirement, decision or determination appealed from. The application to appeal must be filed with the Director of Public Services and with the Board of Adjustment specifying the grounds for appeal.

**(2) Step 2 – Forwarding of the Record to the Board of Adjustment**

Upon receiving the written appeal of an administrative decision or determination, the Director of Public Services or other staff member responsible for maintaining the related records, shall transmit the written appeal with all papers, documents, and other materials related to the appealed decision or determination to the Board of Adjustment. This material shall be included in the record of the appeal.

**(3) Step 3 – Board of Adjustment Review and Decision**

- (i)** The Board of Adjustment shall hold a contested public hearing within a reasonable period of time of the filing of the appeal provided adequate notification is provided pursuant to [§ 25-16\(i\)](#).
- (ii)** Any person affected by the appeal may appear at the contested public hearing and testify under oath, in person, or by attorney or agent and may submit documents and evidence into the record.
- (iii)** Within a reasonable period of time following the contested public hearing, the Board of Adjustment shall render a decision on the appeal. The Director of Public Services shall notify the appellant in writing of the decision of the Board of Adjustment. An extended timeframe may be authorized if agreed upon by the Board of Adjustment and applicant.
- (iv)** The decision of the Board of Adjustment shall become effective immediately.
- (v)** The order, requirement, decision or determination of the Board may be made a part of any building permit ordered to be issued by a decision of the Board.

**(e) Review Criteria**

A decision or determination shall not be reversed or modified unless there is competent material and substantial evidence in the record that the decision or determination is in error.

**(f) Appeals**

Appeals of the Board of Adjustment's decision may be made in the same manner as established in [§ 25-24\(e\)](#).

§ 25-26. Minor Subdivision.

**(a) Purpose**

The purpose of the minor subdivision process is to allow for small subdivisions of land, consolidation of lots, or transfer of a portion of a lot to an adjacent lot where there will not be the creation of a new street, dedication of right-of-way (unless specifically allowed herein), or a need for any public improvements. It is furthermore the purpose of this section to allow for the administrative approval of condominium plats.

**(b) Applicability**

- (1)** For the purposes of this code, a minor subdivision includes a lot split, lot consolidation, or transfer of land between adjacent property owners that complies with the following requirements.
  - (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 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.
- (ii) A boundary adjustment shall be accomplished by plat prepared by a surveyor licensed in the State of Missouri and shall include an adequate legal description of the boundaries of the original lots and of the adjusted lots.

**(2) Step 2 – Review and Decision by the Director of Public Services and City Clerk**

- (i) The Director of Public Services and City Clerk shall review the application and approve, approve with modifications that will bring the application into compliance with codes, or deny the application based on the review criteria established below.
- (ii) If the application is approved with modifications, the applicant shall be required to revise all documents prior to final signing and recording.

**(e) Review Criteria**

In order to approve a minor subdivision, the Director of Public Services shall determine the following:

- (1) That the application complies with all applicable provisions of this code;
- (2) That the application complies with all other applicable regulations and plans of the City;
- (3) That the Director of Public Services and any other applicable review agencies have no objections that cannot be resolved by the applicant; and
- (4) For condominium plats, such plat shall comply with the requirements of a condominium plat as established by Chapter 448, RSMo.

**(f) Recording**

After approval, the applicant shall then be responsible for submitting the signed conveyance with the Recorder of Deeds of St. Louis County and returning a copy of said recorded document to the City.

**(g) Time Limit**

If the applicant does not record the plat within 90 days of signed approval, the plat approval shall expire. After the plat approval expires, any new minor subdivision will require a new application and related fees in accordance with this code.

**(h) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Director of Public Services shall have the right to appeal the decision to the Board of Adjustment as established in [§ 25-25](#).

§ 25-27. Major Subdivision.

**(a) Purpose**

The purpose of the major subdivision process is to provide a method of review for any subdivision that exceeds the scope of a minor subdivision and which includes multiple lots, the creation or expansion of new streets, and/or the installation of public improvements.

**(b) Applicability**

Any subdivision of land or replat of an existing subdivision that does not meet the applicability requirements of a minor subdivision in [§ 25-26](#) shall be subject to the requirements of this section and require the submission and approval of a preliminary plat and a final plat.

**(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) Major Subdivision Review Procedure**

The review procedure for a major subdivision 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 for any of the required plans.

**(1) Step 1 – Sketch Plan Consideration (Optional)**

- (i)** Prior to submitting a preliminary plat of a subdivision, a developer may submit a sketch plan to the Director of Public Services.
- (ii)** The submission of a sketch plan shall not require the payment of a fee.
- (iii)** The Director of Public Services shall review and evaluate the sketch plan as soon as practical and shall advise the developer of the general observations and feasibilities of the proposed subdivision.
- (iv)** The review shall be subject to the same provisions as a pre-application meeting, as set forth in [§ 25-16\(f\)](#).

**(2) Step 2 – Application and Filing of a Preliminary Plat**

The developer or subdivider shall submit an application and preliminary plat in accordance with [§ 25-16](#), and with the provisions of this section.

**(3) Step 3 – Staff Review and Transmission to the Planning and Zoning Commission**

Upon determination that a preliminary plat application is complete, the Director of Public Services shall distribute the application and any related reports and documentation to the Planning and Zoning Commission prior to the meeting where the application is to be reviewed.

**(4) Step 4 – Review and Recommendation by the Planning and Zoning Commission**

- (i) The Planning and Zoning Commission shall review the preliminary plat application at a public meeting.
- (ii) Notification of the public meeting shall be provided in accordance with [§ 25-16\(i\)](#).
- (iii) In reviewing the application, the Planning and Zoning Commission shall at a minimum, consider the reports and opinions transmitted by the Director of Public Services and the review criteria for preliminary plats as established in this section.
- (iv) In its review of an application, the Planning and Zoning Commission may request that the applicant supply additional information that the Planning and Zoning Commission deems necessary to adequately review and evaluate the proposed development.
- (v) In making its decision, the Planning and Zoning Commission may recommend approval, approval with modifications or supplementary conditions, or denial of the application.
- (vi) If the Planning and Zoning Commission fails to act within 120 days from the date the application is determined to be complete, or an extended period of time as may be agreed upon by the Planning and Zoning Commission and the applicant, then the application shall move forward to Step 5 with a recommendation of approval.

**(5) Step 5 – Review and Decision by the City Council**

- (i) Following receipt of the preliminary plat application and recommendation from the Planning and Zoning Commission, the City Council shall hold a public meeting to review the application.
- (ii) Notification of the public meeting shall be provided in accordance with [§ 25-16\(i\)](#).
- (iii) In reviewing the application, the City Council shall at a minimum, consider the reports and opinions transmitted by the Director of Public Services, the recommendation from the Planning and Zoning Commission, and the review criteria for preliminary plats as established in this section.
- (iv) In its review of an application, the City Council may request that the applicant supply additional information that the City Council deems necessary to adequately review and evaluate the proposed development.
- (v) The City Council shall also have the authority to return the application to the Planning and Zoning Commission for further study and report.
- (vi) In making its decision, the City Council may approve, approve with modifications or supplementary conditions, or deny the application by resolution.

(vii) If the preliminary plat is approved by the Council by resolution, the applicant is authorized to proceed with the preparation of the final plat.

**(6) Step 6 – Application and Filing of a Final Plat**

- (i) The developer shall submit an application and final plat in accordance with [§ 25-16](#), and with the provisions of this section.
- (ii) Improvement plans for public improvements shall be submitted simultaneously with the filing of a final plat.

**(7) Step 7 – Staff Review and Transmission to the Planning and Zoning Commission**

Upon determination that a final plat application, including the improvement plans, is complete, the Director of Public Services shall distribute the application and any related reports and documentation to the Planning and Zoning Commission prior to the meeting where the application is to be reviewed.

**(8) Step 8 – Review of Improvement Plans and Decision by the Director of Public Services**

- (i) The Director of Public Services shall review the improvement plans and approve, approve with modifications that will bring the plans into compliance with codes, or deny approval of the improvement plans based on the review criteria established in this section.
- (ii) If the improvement plans are approved with modifications, the applicant shall be required to revise all documents prior to City Council's decision in Step 10.
- (iii) The decision of the Director of Public Services on the improvement plans shall not guarantee the approval of the final plat or acceptance of any public improvements.

**(9) Step 9 – Review and Recommendation by the Planning and Zoning Commission**

- (i) The Planning and Zoning Commission shall review the final plat application at a public meeting.
- (ii) Notification of the public meeting shall be provided in accordance with [§ 25-16\(i\)](#).
- (iii) In reviewing the application, the Planning and Zoning Commission shall at a minimum, consider the reports and opinions transmitted by the Director of Public Services and the review criteria for preliminary plats as established in this section.
- (iv) In its review of an application, the Planning and Zoning Commission may request that the applicant supply additional information that the Planning and Zoning Commission deems necessary to adequately review and evaluate the proposed development.
- (v) In making its decision, the Planning and Zoning Commission may recommend approval, approval with modifications or supplementary conditions, or denial of the application.

- (vi) If the Planning and Zoning Commission fails to act within 120 days from the date the application is determined to be complete, or an extended period of time as may be agreed upon by the Planning and Zoning Commission and the applicant, then the application shall move forward to Step 10 with a recommendation of approval.

**(10) Step 10 – Review and Decision by the City Council**

- (i) Following receipt of the final plat application and recommendation from the Planning and Zoning Commission, the City Council shall hold a public meeting to review the application.
- (ii) Notification of the public meeting shall be provided in accordance with [§ 25-16\(i\)](#).
- (iii) In reviewing the application, the City Council shall at a minimum, consider the reports and opinions transmitted by the Director of Public Services, the recommendation from the Planning and Zoning Commission, and the review criteria for final plats as established in this section.
- (iv) In its review of an application, the City Council may request that the applicant supply additional information that the City Council deems necessary to adequately review and evaluate the proposed development.
- (v) The City Council shall also have the authority to return the application to the Planning and Zoning Commission for further study and report.
- (vi) In making its decision, the City Council may approve, approve with modifications or supplementary conditions, or deny the application by ordinance.
- (vii) Approval of the final plat by the City Council shall be by ordinance and shall be certified on the document to be filed for record over the signature of the City Clerk and the seal of the City of Kirkwood. After the City Council has approved the performance guarantee posted by the subdivider, the final plat, endorsed with the approval of the City Council, together with a certified copy of the ordinance granting such approval, shall be filed for record in the office of the St. Louis County Recorder of Deeds at the sole expense of the subdivider within 90 days of the passage of the ordinance or said ordinance and subdivision plat approval shall become null and void.
- (viii) Within 10 days after the recording of the final plat, the subdivider shall file with the City Clerk one paper print of the recorded plat and one paper copy of the recorded ordinance, all of which shall bear the print of the recorder's stamp thereon.
- (ix) No plat of a subdivision in the City of Kirkwood shall be recorded in the St. Louis County's Recorder's Office or have any validity until it has been approved in the manner prescribed in this article.

**(e) Review Criteria**

**(1) Preliminary Plat Review Criteria**

Decisions on preliminary plat applications shall be based on consideration of the following criteria:

- (i) That the subdivision plat complies with all applicable provisions of this code;
- (ii) That the subdivision plat does not conflict with other regulations, the comprehensive plan, or other adopted plans and policies of the City;



- (iii) That applicable review agencies have no objections that cannot be resolved by the applicant;
- (iv) That public facilities, including but not limited to streets, water, electric, sanitary and storm sewers will be adequate to support and service the area of the proposed subdivision, and that definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
- (v) That the proposed subdivision will not result in an isolated subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels;
- (vi) That the subdivider has allowed sufficient area to meet the requirements for open space, if applicable; and
- (vii) That the subdivider has taken every effort to ensure that the public health, safety, and welfare are perpetuated by the proposed subdivision.

**(2) Final Plat Review Criteria**

Decisions on final plat applications shall be based on consideration of the following criteria:

- (i) That the final subdivision plat complies with all applicable provisions of this code;
- (ii) That the final subdivision plat, improvement plans, and construction drawings substantially comply with all specific requirements, the purpose, intent, and basic objectives of the preliminary subdivision plat, and any commitments made or conditions agreed to in the approval of the preliminary plat, and with any applicable regulations in this code.
- (iii) That applicable review agencies have no objections that cannot be resolved by the applicant; and
- (iv) That the final subdivision plat is in full compliance with the approved preliminary plat, where applicable.

**(3) Improvement Plans Review Criteria**

In order to approve improvement plans, the Director of Public Services shall determine the following:

- (i) That the plans comply with all applicable provisions of this code;
- (ii) That the application complies with all other applicable regulations, plans, design manuals, and standard drawings of the City related to public improvements; and
- (iii) That the Director of Public Services and any other applicable review agencies have no objections that cannot be resolved by the applicant.

**(f) Amendments of Plats**

- (1) No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after final approval has been given by the Planning and Zoning Commission and City Council unless the plat is first resubmitted and the changes approved by the Planning and Zoning Commission and City Council, or unless otherwise authorized under this section.

- (2) If the applicant finds, in the process of preparing improvement plans, that the approved preliminary plat is not workable and changes in layout are required, the applicant shall inform the Director of Public Services. The Director of Public Services may require that a revised preliminary plat be submitted for re-approval following the review procedure in [§ 25-27\(d\)](#), above if the changes significantly alter the design of the subdivision.
- (3) During the final plat process, the Director of Public Services is authorized to allow minor changes related to the public improvements or design where there is minimal impact to the overall design of the subdivision. This shall not give the Director of Public Services the authority to vary the requirements of this code.
- (4) If during the course of construction, any changes or modifications are encountered that are not in conformance with the original approved improvement plans or construction drawings, the subdivider shall submit the modified improvement plans or construction drawings to the Director of Public Services, who, if in agreement with such modifications, shall affix their signature to these drawings indicating approval of the modifications.

**(g) Subdivisions in Flood Hazard Areas**

- (1) All subdivision applications for areas located within the flood hazard areas as that term is defined in the City of Kirkwood Municipal Code shall be reviewed with respect to the following criteria:
  - (i) The proposed development is consistent with the need to minimize flood damage.
  - (ii) Subdivision proposals greater than five acres or 50 lots, whichever is lesser, include regulatory flood elevation data.
  - (iii) Adequate drainage is provided so as to reduce exposure to flood hazards.
  - (iv) All proposed public utilities and facilities are located so as to minimize or eliminate flood damage.
- (2) No subdivision application for areas located within a flood hazard area shall be approved by the City Council without a favorable finding of fact with respect to each criterion set forth in [§ 25-27\(g\)\(1\)](#), above.

**(h) Time Limit**

- (1) Preliminary approval by the City Council shall confer upon the applicant the following rights for a one-year period from the date of approval:
  - (i) That the general terms and conditions under which the preliminary approval was granted will not be changed; and
  - (ii) That the applicant may submit on or before said expiration date the whole or part of said plat for final approval. In the case of a subdivision being developed in stages, the applicant may elect to have final approval delayed for a period not to exceed three years from the date of preliminary approval for the remaining portions of the plat, after submission of one portion within the specified period. Failure to submit the remaining portions for approval in final plat form within the three-year period from the date of preliminary approval will require reprocessing of the application for preliminary approval.

- (2) Where the applicant proposes to subdivide a tract of land in several stages, over a period of years, the preliminary plat shall illustrate the entire subdivision as a whole and include a proposed phasing plan. Such phasing plan shall identify the sections of the subdivision to be developed along with related time frames for completion. If City Council approves such phased plan, the applicant may submit a final plat and improvement plans for individual phases of the subdivision in accordance with the approved phasing plan.

**(i) Subdivision Modifications**

**(1) Purpose**

The purpose of a subdivision modification is to provide limited relief from standards that apply to the subdivision of land including standards for improvements. Subdivision modifications are intended for those cases where strict application of a particular requirement will create a practical difficulty or extraordinary hardship prohibiting the use of land in a manner otherwise allowed under these regulations. It is not intended that modifications be approved merely to remove inconveniences or financial burdens that the requirements of these regulations may impose on property owners or applicants in general.

**(2) Applicability**

- (i) If the proposed subdivision requires a deviation from the minimum site development standards (e.g., lot area, lot width, etc.), the applicant will be required to apply for and receive all the necessary subdivision modification approvals prior to approval of a preliminary plat.
- (ii) If the applicant seeks a modification of standards required by [Article X: Subdivision Design Standards](#), then the request for a subdivision modification shall be accomplished through the procedure outlined in this section.

**(3) Subdivision Modification Review**

- (i) A request for a subdivision modification shall be reviewed as part of the preliminary plat review procedure.
- (ii) The Planning and Zoning Commission and City Council shall review the request and may approve, approve with conditions, or deny the request to modify any or all of the modifications.
- (iii) In approving a modification, the Planning and Zoning Commission and City Council may impose conditions on the approval as it determines are required to ensure compliance with the provisions and purpose of these regulations.
- (iv) If the preliminary plat is denied or if the approval of the preliminary plat expires, so does the approval of the subdivision modification. Any future request for preliminary subdivision plat approval that includes the same modifications shall require a new review and decision on the request for modifications.

**(4) Review Criteria**

The review criteria for a subdivision modification shall be the same as those for a variance as established in [§ 25-24\(c\)](#).

**(j) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the City Council shall have the right to appeal the decision to the St. Louis County Circuit Court.

§ 25-28. Interpretation of the Code.

It is the intent of this code that all questions of interpretation related to the administration and enforcement of this code shall be first presented to the Director of Public Services, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Director of Public Services. Such appeals shall be in accordance with [§ 25-25](#).

## Article III: Zoning Districts and Principal Uses

### § 25-29. Purpose Statement.

The purpose of this chapter is to set out the individual purpose statements for each zoning district as well as the list of principal uses that are allowed within each zoning district. The uses are either prohibited or allowed, and where they are allowed, they may be permitted, permitted with additional standards, or conditionally permitted with additional review. Finally, this chapter includes use-specific standards for a variety of uses that apply to the individual uses alone in addition to all other applicable standards of this code.

### § 25-30. Establishment of Zoning Districts.

The City of Kirkwood hereby establishes the following zoning districts to carry out the purposes of this code, and to assist in the implementation of the comprehensive plan.

TABLE 30-1: ZONING DISTRICTS ESTABLISHED	
Abbreviation	District Name
<b>Residential Zoning Districts</b>	
R-1	Single-Family Residential District
R-2	Single-Family Residential District
R-3	Single-Family Residential District
R-4	Single-Family Residential District
R-MM	Missing Middle Residential District
R-5	Multi-Family Residential District
R-6	Planned Multi-Family Residential District
<b>Nonresidential Zoning Districts</b>	
B-1	Neighborhood Business District
B-2	Central Business District
B-3	Highway Business District
B-4	Planned Commercial District
B-5	Planned Commercial Development District
I-1	Light Industrial District
<b>Special Zoning Districts</b>	
F-1	Floodplain District

### § 25-31. Official Zoning Map and District Boundaries.

#### (a) Official Zoning Map and District Boundaries

- (1) All land within the City of Kirkwood shall be placed into at least one of the zoning districts established in [Table 30-1](#), and such zoning shall be shown on the Official Zoning Map of the City of Kirkwood, Missouri. This map, together with all explanatory data thereon, including all changes thereof as hereinafter provided, shall be incorporated and made a part of this code.
- (2) The Official Zoning Map shall be properly attested and shall be on file with the City Clerk of the City of Kirkwood, Missouri.

- (3) The boundaries of the districts are shown on the Official Zoning Map of the City of Kirkwood which may be amended from time to time which is hereby incorporated as if fully set forth herein.

§ 25-32. Interpretation of Zoning District Boundaries.

The boundaries of the zoning districts are shown upon the Official Zoning Map. When uncertainty exists with respect to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

- (a) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- (b) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- (c) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.
- (d) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the center of the right-of-way of said railroad line unless otherwise indicated.
- (e) Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the center of such stream, lake or other body of water or at the limit of the jurisdiction of the City of Kirkwood unless otherwise indicated.
- (f) Any person may contest a determination of the location of the zoning district boundary by the Director of Public Services through appeal to the Board of Adjustment pursuant to the appeals process as established in [§ 25-25](#).

§ 25-33. Zoning for Annexation or Vacation.

**(a) Annexation**

- (1) Whenever an area is annexed to the City of Kirkwood, or any other City shall merge with the City of Kirkwood, the zoning in place at the time of such annexation or merger will remain in force over the annexed or merged area, whether the zoning complies with the provisions of this code and regulations of the City of Kirkwood or not; or
- (2) If no such zoning regulations were in force, the annexed area or merged area shall be zoned as a R-1 District pursuant to the provisions of this code for a period of six months from the date of the annexation or the date of the merger, after which time only zoning regulations enacted after the date of annexation or merger shall be applicable.

**(b) Vacation**

- (1) Whenever any street, alley, public way, railroad right-of-way, waterway or other similar area is vacated by proper authority, the districts adjoining each side of such street, alley, public way, railroad right-of-way, or similar area shall be extended automatically to the center of such vacation and all areas included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts.
- (2) In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all the vacated area.

§ 25-34. District Purposes & Regulations.

The following are the purposes statements for each of the established base zoning districts along with district-specific regulations.

**(a) Single-Family Residential District (R-1)**

The purpose of this district is to encourage and preserve low density detached single-family residential and allow for certain neighborhood facilities such as places of worship, parks, and schools that are not detrimental to the residential environment.

**(b) Single-Family Residential District (R-2)**

The purpose of this district is to encourage and preserve medium-low density detached single-family residential and allow for certain neighborhood facilities such as places of worship, parks, and schools that are not detrimental to the residential environment.

**(c) Single-Family Residential District (R-3)**

The purpose of this district is to encourage and preserve medium density detached single-family residential and allow for certain neighborhood facilities such as places of worship, parks, and schools that are not detrimental to the residential environment.

**(d) Single-Family Residential District (R-4)**

The purpose of this district is to encourage and preserve high density detached single-family residential and allow for certain neighborhood facilities such as places of worship, parks, and schools that are not detrimental to the residential environment.

**(e) Missing Middle Residential District (R-MM)**

The purpose of this district is to allow for small-scale multi-family residential uses which provide a transition from detached single-family home districts and more intense districts, multi-family projects, or commercial districts. This district may also be appropriate along major thoroughfares and at major intersections.

**(f) Multi-Family Residential District (R-5)**

The purpose of this district is to allow for multi-family residential uses which provide a transition from single-family residential districts and small-scale multi-family residential uses to nonresidential districts. This district may also be appropriate along major thoroughfares and at major intersections.

**(g) Planned Multi-Family Residential District (R-6)**

**(1) Purpose**

This district seeks to provide a means of achieving greater flexibility in development of land for multi-family residential structures designed solely for the elderly (55 years old or older) and/or physically or mentally challenged and related accessory structures.

**(2) Development Plan Approval Required**

No development or redevelopment of the property encompassed by the Planned Multi-Family Residential District (R-6) designation shall take place until the proposed development has received an approved development plan and site plan in accordance with [§ 25-18](#).

**(3) Development Standards**

A building or premises shall be used only for multi-family residential structures designed solely for the elderly and/or physically or mentally challenged and related accessory structures.

**(h) Neighborhood Business District (B-1)**

**(1) Purpose**

This district seeks to encourage commercial services and shopping that serves the neighboring residential districts.

**(2) District Specific Regulations**

- (i)** A building or premises shall be used only for the permitted purposes and, except for motor vehicle off-street parking and loading facilities, all activities relating to any such use shall be conducted wholly within an enclosed building, unless as specifically permitted herein; or upon City Council approval of a special use permit specifying such outdoor use; or
- (ii)** Upon application approved by the City Council for a temporary unenclosed use that may be permitted from time to time after application is made to and approved by the City Council and after a finding by the City Council that the general welfare is not adversely affected.
- (iii)** Deliveries may not occur between the hours of 11pm and 7am.

**(i) Central Business District (B-2)**

**(1) Purpose**

This district seeks to encourage mixed-use development with commercial services, retail facilities, and residential uses that complement each other and attract customers from outside the district.

**(2) District Specific Regulations**

- (i)** A building or premises shall be used only for the permitted purposes and, except for motor vehicle off-street parking and loading facilities, all activities relating to any such use shall be conducted wholly within an enclosed building, unless as specifically permitted herein; or upon City Council approval of a special use permit specifying such outdoor use; or
- (ii)** Upon application approved by the City Council for a temporary unenclosed use that may be permitted from time to time after application is made to and approved by the City Council and after a finding by the City Council that the general welfare is not adversely affected.

**(3) Development Plan Approval Required for Mixed-Use**

No development or redevelopment of properties for mixed-use buildings in the B-2 District shall take place until the proposed development has received an approved development plan and site plan in accordance with [§ 25-18](#).



**(4) Mixed-Use Development Standards**

- (i)** The City Council may establish a list of specific types of nonresidential uses that are allowed to locate within any approved mixed-use building. If the City Council does not establish said list, the permitted uses shall be governed by the B-2 District regulations.
- (ii)** Commercial uses, other than home occupations as defined in this code, are not permitted in residential units that were approved for residential use as part of a mixed-use building.
- (iii) Single Building Developments**
  - a.** The entire ground story shall consist of non-residential uses. Utility, service, and parking (garage) uses may be provided on the ground floor, but only to the rear of an active commercial use.
  - b.** Residential uses shall only be permitted on or above the second story of the building.
- (iv) Multiple-Building Developments**
  - a.** A minimum of 20 percent and maximum of 40 percent of the total gross floor area of all buildings shall be provided as non-residential uses.
  - b.** In buildings which contain non-residential uses, the entire ground story shall consist of non-residential uses. Utility, service, and parking (garage) uses may be provided on the ground floor, but only to the rear of an active non-residential use.
  - c.** The second and above stories may be non-residential or residential uses.

**(j) Highway Business District (B-3)**

**(1) Purpose**

This district seeks to encourage commercial services and retail facilities that serve customers traveling major streets.

**(2) District Specific Regulations**

- (i)** A building or premises shall be used only for the permitted purposes and, except for motor vehicle off-street parking and loading facilities, all activities relating to any such use shall be conducted wholly within an enclosed building, unless as specifically permitted herein; or upon City Council approval of a special use permit specifying such outdoor use; or
- (ii)** Upon application approved by the City Council for a temporary unenclosed use that may be permitted from time to time after application is made to and approved by the City Council and after a finding by the City Council that the general welfare is not adversely affected.

**(k) Planned Commercial District (B-4)**

**(1) Purpose**

This district seeks to encourage more intense commercial uses and multiple uses in one or more buildings on a single lot and provides targeted flexibility, at the City Council's discretion, to accommodate such desired uses.

**(2) District Specific Regulations**

- (i) A building or premises shall be used only for the permitted purposes and, except for motor vehicle off-street parking and loading facilities, all activities relating to any such use shall be conducted wholly within an enclosed building, unless as specifically permitted herein; or upon City Council approval of a special use permit specifying such outdoor use; or
- (ii) Upon application approved by the City Council for a temporary unenclosed use that may be permitted from time to time after application is made to and approved by the City Council and after a finding by the City Council that the general welfare is not adversely affected.

**(3) Development Plan Approval Required**

No development or redevelopment of the property encompassed by the B-4 District designation shall take place until the proposed development has received an approved development plan and site plan in accordance with [§ 25-18](#).

**(I) Planned Commercial Development District (B-5)**

**(1) Purpose**

The purpose of the B-5 Development District is to provide a means of achieving greater flexibility in development of land for intensive single and mixed uses in a single or in multiple structures at suitable nodal locations within the City in a manner not possible in conventional zones, to encourage a more imaginative and innovative design of projects, to promote a more desirable community environment, and to retain maximum control over both the structure and future operation of the development.

**(2) District Specific Regulations**

- (i) A building or premises shall be used only for the permitted purposes and, except for motor vehicle off-street parking and loading facilities, all activities relating to any such use shall be conducted wholly within an enclosed building, unless as specifically permitted herein; or upon City Council approval of a special use permit specifying such outdoor use; or
- (ii) Upon application approved by the City Council for a temporary unenclosed use that may be permitted from time to time after application is made to and approved by the City Council and after a finding by the City Council that the general welfare is not adversely affected.

**(3) Development Plan Approval Required**

No development or redevelopment of the property encompassed by the B-5 District designation shall take place until the proposed development has received an approved development plan and site plan in accordance with [§ 25-18](#).

**(4) Development Standards**

- (i) The City may, upon proper application, approve a B-5 District development for a site of at least 2.5 contiguous acres to facilitate the use of flexible techniques of land development and site design, by providing relief from zoning requirements designed for conventional developments.

- (ii) Regulations are not intended to allow excessive densities, or the development of incompatible land uses, either within the development or as the development relates to the general neighborhood. Adequate services must support such intensive development or will be provided prior to occupancy.
- (iii) A B-5 District development will be approved only if the project is of exceptional design quality, if desirable amenities are an integral part of the development, and if the project can provide for adequate transition to adjacent neighborhood areas as further described in the district's development standards related to landscaping and architectural standards.

**(m) Light Industrial District (I-1)**

**(1) Purpose**

This district seeks to encourage light industrial uses and small-scale craft manufacturing which create a minimal amount of nuisance outside the structure and which is not noxious or offensive by reason of the emission of smoke, dust, fumes, gas odors, noises, or vibrations beyond the confines of the building and the premises upon which the building or buildings are situated.

**(2) District Specific Regulations**

- (i) A building or premises shall be used only for the permitted purposes and, except for motor vehicle off-street parking and loading facilities, all activities relating to any such use shall be conducted wholly within an enclosed building, unless as specifically permitted herein; or upon City Council approval of a special use permit specifying such outdoor use; or
- (ii) Upon application approved by the City Council for a temporary unenclosed use that may be permitted from time to time after application is made to and approved by the City Council and after a finding by the City Council that the general welfare is not adversely affected.

**(n) Floodplain District (F-1)**

**(1) Purpose**

This district is designed to meet the needs of the Meramec River to carry abnormal flows of water in time of flood, to prevent encroachments into the district which will unduly increase flood heights and damage, and to prevent the loss of life and excessive damage to property in the area of greatest flood hazard.

**(2) District Specific Regulations**

All activities within this district are subject to the requirements of Chapter 5, Article VI, Floodway/Floodplain Management.

§ 25-35. Principal Use Regulations.

**(a) General Provisions**

[Table 35-1](#) lists the principal uses allowed within all base zoning districts.

**(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.

- (ii) An applicant may appeal a determination by the Director of Public Services in accordance with [§ 25-25](#) or may seek a text amendment in accordance with [§ 25-17](#).

TABLE 35-1: PRINCIPALLY PERMITTED USES IN BASE ZONING DISTRICTS															
P = Permitted Use PS = Permitted Use with Standards S = Special Use	R-1	R-2	R-3	R-4	R-MM	R-5	R-6	B-1	B-2	B-3	B-4	B-5	I-1	F-1	Use-Specific Standards See Section:
<b>Agricultural Uses</b>															
Agricultural Use														P	
Community Garden	PS	PS	PS	PS	PS	PS	PS								<a href="#">§ 25-36(b)</a>
Livestock Facility, Private	S														<a href="#">§ 25-36(c)</a>
<b>Residential Uses</b>															
Continuing-Care Retirement Facility	S	S	S				S								<a href="#">§ 25-36(d)</a>
Domiciliary Home	S	S	S	S	S	S	S								
Dwelling, Multi-Family					PS	PS	PS		PS						<a href="#">§ 25-36(e)</a>
Dwelling, Row					PS	PS			PS						<a href="#">§ 25-36(f)</a>
Dwelling, Single-Family	P	P	P	P	P	P									
Dwelling, Two-Family					PS	PS			PS						<a href="#">§ 25-36(g)</a>
Group Home	S	S	S	S	S	S	S	S	S	S	S				
Nursing Home	S	S	S	S		S	S			S	S	S			<a href="#">§ 25-36(h)</a>
Residential Treatment Facility	PS	PS	PS	PS	PS	PS		S	S	S	S	P	S		<a href="#">§ 25-36(i)</a>
Residential Use, Upper Floor								S	S	S	S	S			<a href="#">§ 25-36(j)</a>
Short-Term Rental	S	S	S	S	S	S									<a href="#">§ 25-36(k)</a>
<b>Public, Institutional, and Recreational Uses</b>															
Wireless Communications Infrastructure	See <a href="#">Article XI: Telecommunications.</a>														
Bus Passenger Terminals									S						
Cemetery	S	S	S	S		S							S		<a href="#">§ 25-36(l)</a>
Housing for Religious Personnel	PS	PS	PS	PS	PS	PS									<a href="#">§ 25-36(m)</a>
Educational Institution (Higher Education)									S	S	S	S			
Educational Institution (Preschool and K-12)	PS	PS	PS	PS		PS			S	S	S	S	S		<a href="#">§ 25-36(n)</a>
Funeral Home Service									P	P	P	P	P		

**Article III: Zoning Districts and Principal Uses**  
 § 25-35: Principal Use Regulations.

TABLE 35-1: PRINCIPALLY PERMITTED USES IN BASE ZONING DISTRICTS															
P = Permitted Use PS = Permitted Use with Standards S = Special Use	R-1	R-2	R-3	R-4	R-MM	R-5	R-6	B-1	B-2	B-3	B-4	B-5	I-1	F-1	Use-Specific Standards See Section:
	Fraternal Organization or Club									P	P	P		P	
Golf Course	S	S	S											S	<a href="#">§ 25-36(o)</a>
Government Facility	P	P	P	P	P	P	P	P	P	P	P	P	P		
Hospital										S	S	S			
Museum	S	S	S	S		S			S	S	S	S			
Outdoor Recreation, Public														PS	<a href="#">§ 25-36(p)</a>
Park or Playground (Publicly Owned)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Place of Worship	PS	PS	PS	PS	PS	PS	PS	S	S	S	S	S			<a href="#">§ 25-36(q)</a>
Place of Worship, Administrative Offices	P	P	P	P	P	P									
Recreational Development	P/S	P/S	P/S	P/S	P/S	P/S			P/S	P/S	P/S	P/S	P/S		<a href="#">§ 25-36(r)</a>
Rescue Facility, Private										S	S	S	S		
Theater or Art Exhibition Space, Indoor									P	P	P	P	P		
<b>Commercial, Office, and Mixed Uses</b>															
Amusement Facility, Indoor									S	S	S	P	S		
Amusement Facility, Outdoor										S	S	S		S	
Animal Facility, Major										S	S	S	S		
Animal Facility, Minor								P	P	P	P	P	P		
Catering Establishment								P	P	P	P	P	P		
Craft Brewery, Winery, or Distillery									P	P	P	P	P		
Day Care Center, Adult	S	S	S	S		S	S	S	S	S	S	S			
Day Care Center, Child	S	S	S	S		S		S	S	S	S	S			
Financial Institution								P	P	P	P	P	P		
Gas/Fuel Station										S	S	S			<a href="#">§ 25-36(s)</a>
Greenhouse, Commercial										S			S		
Hotel									P	P	P	P			
Liquor Store									S	S	S	S			

**Article III: Zoning Districts and Principal Uses**  
 § 25-35: Principal Use Regulations.

**TABLE 35-1: PRINCIPALLY PERMITTED USES IN BASE ZONING DISTRICTS**

<b>P = Permitted Use</b> <b>PS = Permitted Use with Standards</b> <b>S = Special Use</b>	<b>TABLE 35-1: PRINCIPALLY PERMITTED USES IN BASE ZONING DISTRICTS</b>														
	R-1	R-2	R-3	R-4	R-MM	R-5	R-6	B-1	B-2	B-3	B-4	B-5	I-1	F-1	Use-Specific Standards See Section:
Medical Marijuana Facility										S			S		<a href="#">§ 25-36(t)</a>
Medical or Dental Facility								P	P	P	P	P	P		
Motor Vehicle Repair Shop, Major										S	S	S	S		<a href="#">§ 25-36(u)</a>
Motor Vehicle Repair Shop, Minor										S	S	S	S		<a href="#">§ 25-36(v)</a>
Motor Vehicle Repair Shop, Minor (private)										S					<a href="#">§ 25-36(v)</a>
Office, General						S		P	P	P	P	P	P		
Parking Lot or Structure								S	S	S	S	S	S		<a href="#">§ 25-36(w)</a>
Personal and Commercial Service								PS	PS	P	P	P	S		<a href="#">§ 25-36(x)</a>
Restaurant								PS	P	P	P	P			<a href="#">§ 25-36(y)</a>
Retail Business								PS	P	P	P	P	S		<a href="#">§ 25-36(z)</a>
Tattoo Studio									S						<a href="#">§ 25-36(aa)</a>
Tobacco or Vapor Product Store									S	S	S	S	S		
Vehicle Sale and Rental										S	S	S	S		<a href="#">§ 25-36(bb)</a>
Vehicle Wash										S	S	S	S		<a href="#">§ 25-36(cc)</a>
<b>Industrial Uses</b>															
Central Mixing Plant													S		
Dry-Cleaning Plant													P		
Light Manufacturing													P		
Research and Development Organization													P		
Self-Storage Facility											S	S	PS		<a href="#">§ 25-36(dd)</a>
Storage or Warehousing Firm, Indoor													P		
Truck Freight Terminal													S		
Utility Substation	S	S	S	S	S	S	S	S	S	S	S	S	S		
Wholesale Business													P		



§ 25-36. Use-Specific Standards.

**(a) Purpose and Applicability**

- (1) This section provides site planning, development, and/or operating standards for certain land uses that are permitted with additional standards or as a special use in [Table 35-1](#).
- (2) The land uses and activities covered by this section shall comply with the applicable standards for the specific use in all districts unless otherwise specified, in addition to all other applicable provisions of this code.

**(b) Community Garden**

- (1) Community gardens may only be permitted as a principal use of a property when the lot is owned by the City, County, State, or land bank approved by the City.
- (2) Community gardens are permitted in any yard.
- (3) The owner of the property shall have an established set of operating rules addressing the governance structure of the garden; hours of operation; maintenance and security requirements and responsibilities; and distribution of garden plots.
- (4) The name and telephone number of the owner and any person designated as the person in-charge of the garden coordination along with a copy of the operating rules shall be kept on file with the Director of Public Services.
- (5) The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent properties.
- (6) There shall be no retail sales on site, except for produce grown on the site.
- (7) Benches, bike racks, raised/accessible planting beds, picnic tables, garden art, and rain barrel systems are permitted.
- (8) The community garden may include one storage shed and one farm market per lot (not per individual garden plot) for the purposes of communal storage and/or communal sales of produce that is grown on-site. Said structures shall comply with the accessory structure regulations of the applicable district.
- (9) Fences and walls shall be subject to the provisions of Chapter 5, Article IV of the City of Kirkwood Municipal Code.

**(c) Livestock Facility, Private**

The minimum lot area shall be 2.5 acres.

**(d) Continuing-Care Retirement Facility**

The minimum lot area shall be 10 acres.

**(e) Dwelling, Multi-Family**

- (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.
- (2) In the R-MM District, no lot shall contain more than six residential units.
- (3) In the B-2 District, unless otherwise approved as part of a mixed-use development, multi-family dwellings cannot be constructed on properties that are designated as Suggested or Mandatory Commercial in the Downtown Master Plan Study Area.

**(f) Dwelling, Row**

- (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.
- (2) There shall be no more than eight dwelling units in any single building.

**(g) Dwelling, Two-Family**

The minimum lot area per dwelling unit shall be 3,750 square feet.

**(h) Nursing Home**

In residential zoning districts, the minimum lot area shall be three acres.

**(i) Residential Treatment Facility**

In residential zoning districts, facilities shall not accommodate more than eight residents.

**(j) Residential Use, Upper Floor**

In the B-2 District, mixed-use buildings that contain residential uses on the upper floors built after November 15, 2012, are subject to development plan review pursuant to [§ 25-18](#).

**(k) Short-Term Rental**

- (1) Short term rentals shall only be permitted in owner-occupied, detached single-family dwellings.
- (2) The owner of the dwelling, to whom an occupancy permit has been issued, shall maintain the short-term rental as his or her permanent residence and shall reside on the premises at the time that a short-term rental guest is present.
- (3) In the R-3, R-4, and R-5 Districts, no more than two bedrooms shall be rented to no more than four overnight guests at any particular time.
- (4) In the R-1 and R-2 Districts, no more than four bedrooms shall be rented to no more than eight overnight guests at any particular time.
- (5) Rooms shall be rented on a daily basis and for no more than 14 consecutive days and not more than 30 days in a calendar year to any particular guests.
- (6) If meals are provided to overnight guests, they may be provided without compliance with City regulations pertaining to restaurants.
- (7) There shall be no exterior evidence of such establishment, except one non-illuminated sign not exceeding two square feet that shall be attached to the building.
- (8) There shall be no accessory uses, structures, or buildings other than those that are customarily incidental and subordinate to a single-family dwelling as established in [Article V: Accessory Uses and Structures](#).
- (9) Prior to renting or advertising the availability of the short-term rental, owners shall:
  - (i) Obtain any necessary zoning approvals;
  - (ii) Apply for and obtain an occupancy permit, which shall be valid for a period of 12 months, at the end of which term the owner shall be required to apply for a renewal of the occupancy permit for said permitted use;
  - (iii) Apply for and obtain a business license from the City in accordance with Chapter 13 of the Municipal Code. This license can be revoked upon violation §13-54 of the Municipal Code. If a business license is revoked, no new license can be issued for a period of one year; and

- (iv) Provide the name, address, and telephone number of a local contact person who shall be available 24 hours per day, 7 days a week, for the purpose of responding within 45 minutes to complaints regarding the condition, operation, or conduct of occupants of the short-term rental. Failure of the owner or local contact person to respond to calls or complaints shall be grounds for revocation of the business license.
  - (10) Not more than one short-term rental shall be permitted on each block. The term "block" as used herein means on both sides of the street between two intersecting streets, or from an intersecting street to the dead end of a street.
  - (11) Rooms shall not be rented to unaccompanied minors under 18 years of age.
  - (12) In addition to any vehicular parking required per [§ 25-65](#), one parking space shall be provided on site for each short-term rental room.
- (l) Cemetery**

The minimum lot area shall be 40 acres.
- (m) Housing for Religious Personnel**
  - (1) Such uses shall be regularly occupied by not more than 10 persons.
  - (2) In the R-4 District, the minimum lot area shall be 15,000 square feet.
  - (3) Every building hereafter erected shall be on a lot having a width of not less than 150 feet.
- (n) Educational Institution (Preschool and K-12)**
  - (1) For kindergarten and elementary schools, the minimum lot area shall be two acres plus one additional acre per 100 students over 200 students.
  - (2) For middle schools, the minimum lot area shall be 10 acres plus one acre per 100 students.
  - (3) For senior high schools, the minimum lot area shall be 15 acres plus one acre per 100 students.
- (o) Golf Course**

The minimum lot area shall be 75 acres.
- (p) Outdoor Recreation, Public**

All structures shall be firmly anchored to prevent the structure from floating away during flooding events.
- (q) Place of Worship**
  - (1) In residential zoning districts, the minimum lot area shall be three acres.
  - (2) In residential zoning districts, every building hereafter erected shall be on a lot having a minimum lot width of 200 feet.
  - (3) There shall be a minimum 40-foot side yard setback required in the R-1 District and a 30-foot side yard setback required in the R-2, R-3, R-4, or R-5 Districts for all places of workshop.
  - (4) In the B-1 zoning district, the minimum lot area shall be 30,000 square feet.
- (r) Recreational Development**
  - (1) Publicly owned facilities shall be permitted uses.
  - (2) Privately owned facilities shall require an approval of a special use permit.

- (3) In residential districts, privately owned facilities shall have a minimum lot area of 15,000 square feet.
- (s) **Gas/Fuel Station**  
Gas/fuel stations shall be prohibited within the Downtown Master Plan Study Area.
- (t) **Medical Marijuana Facility**
  - (1) Only a medical marijuana dispensary may be considered as a special use in the B-3 District. Cultivation, dispensary, infused product manufacturing, and testing facilities may be considered as special uses in the I-1 District.
  - (2) Such facility shall be initially located a minimum of 1,000 feet from a church, place of worship, public or private school, day-care center, or public park. Said distance shall be measured according to the published regulations issued by the State of Missouri.
  - (3) Such facility shall be located a minimum of 500 feet from another medical marijuana facility of the same type. Said distance shall be measured according to the published regulations issued by the State of Missouri. This section shall not prohibit one facility from holding multiple licenses.
  - (4) The hours of operation of a Medical Marijuana Dispensary Facility shall be between 8:00 a.m. and 9:00 p.m. daily.
  - (5) Operations of cultivation, dispensing, manufacturing and testing facilities must be conducted entirely within an enclosed building, and consumption or smoking of marijuana products shall be prohibited on the premises.
  - (6) There shall be no wrecking or salvaging of parts from vehicles on the site.
- (u) **Motor Vehicle Repair Shop, Major**
  - (1) Major motor vehicle repair shops shall be prohibited within the Downtown Master Plan Study Area.
  - (2) No vehicles awaiting body or major parts repair shall be located within the front yard of the lot or visible from any right-of-way or adjacent property and must be completely screened from view.
  - (3) The storage of non-operational and/or disassembled vehicles for longer than a 24-hour period shall be permitted if stored in the rear yard and screened by a solid wall or fence with a minimum height of six feet. No such vehicle shall be stored on-site for more than one month.
  - (4) A “motor vehicle repair shop, major” shall be further subject to the same requirements as “motor vehicle repair shop, minor” as established in [§ 25-36\(v\)](#).
- (v) **Motor Vehicle Repair Shop, Minor**
  - (1) Minor motor vehicle repair shops shall be prohibited within the Downtown Master Plan Study Area.
  - (2) All repair and service of vehicles shall occur within a completely enclosed building.
  - (3) No vehicles awaiting repair work shall be located within the front yard of the lot and said vehicles shall be screened from view from any right-of-way or adjacent property as determined to be appropriate by the City Council through approval of a special use permit. This standard shall not apply to “motor vehicle repair shop, minor (private).”
  - (4) All outdoor display and storage must be screened to their full height from view from adjacent property in the side and rear yard.

- (5) No off-site impacts regarding noise, odor, hazardous materials discharge or vibration shall occur on adjacent properties.
- (6) No storage of wrecked or salvage vehicles is permitted outside of a completely enclosed structure or building.
- (7) Vehicles being serviced or waiting for service shall be stored for no longer than 14 days on the site if in unenclosed areas.
- (8) All areas not paved or covered by the building shall be landscaped and maintained.
- (9) The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable federal, State, and local requirements.
- (10) Outdoor solid waste and recyclable storage areas shall be screened in accordance with [§ 25-53](#).
- (11) Any facility conducting major repair work, including automobile body repair and painting, automobile glass work, automobile transmission work, automobile engine overhaul and repair, and radiator repair work shall be classified as “motor vehicle repair shops, major” and shall be subject to [§ 25-36\(u\)](#).

**(w) Parking Lot or Structure**

Parking lots or structures are prohibited within the Downtown Master Plan Study Area as a principal use.

**(x) Personal & Commercial Service (B-1 and B-2 Districts)**

The maximum size of any tenant space shall not exceed 2,000 square feet.

**(y) Restaurant (B-1 District)**

- (1) The maximum size of any tenant space shall not exceed 5,000 square feet.
- (2) Establishments shall not operate between 11 p.m. and 7 a.m.

**(z) Retail Business (B-1 District)**

- (1) Establishments may not operate between 11 p.m. and 7 a.m.
- (2) The maximum size of any tenant space may not exceed 15,000 square feet.

**(aa) Tattoo Studio**

- (1) A tattoo studio shall be located a minimum of 1,000 feet from any other tattoo studio.
- (2) Any tenant space containing a tattoo studio shall have a maximum first-floor street frontage of eight feet.

**(bb) Vehicle Sale and Rental**

Vehicle sale and rental facilities shall be prohibited within the Downtown Master Plan Study Area.

**(cc) Vehicle Wash**

Vehicle wash facilities shall be prohibited within the Downtown Master Plan Study Area.

**(dd) Self-Storage Facility**

- (1) Self-storage facilities shall provide secured-access drive-through entrance and exit points
- (2) All loading and unloading shall take place inside of the building.
- (3) The subject site shall not have direct access to a residential street.
- (4) There shall be no direct, exterior access to individual storage units.

- (5) In non-industrial districts, the building shall be a minimum of 120,000 square feet.
- (6) In all districts except the I-1 District, the facility shall be constructed on a minimum five-acre planned development that incorporates at least 4,500 square feet of additional permitted and/or special uses.
- (7) In all districts except the I-1 District, the minimum structure setback from public rights-of-way directly adjacent to the subject site shall be 300 feet.

## Article IV: Community Unit Plans

### § 25-37. Purpose.

The community unit plan seeks to provide a means of achieving greater flexibility in development of land for residential purposes in circumstances where properties face natural physical challenges.

### § 25-38. Applicability.

A community unit plan is available to the owner or owners of any tract of land in any district zoned for residential purposes where there is a question as to the suitability of a lot or lots for their intended use due to adverse natural physical conditions such as rock formation, soil conditions, steepness of terrain, or flood conditions.

### § 25-39. Review Procedure.

Decisions on a community unit plan shall be made through the development review plan process as established in [§ 25-18](#).

### § 25-40. Requirements.

- (a) The proposed community unit plan shall include a statement of finding that details the existing adverse natural physical conditions of the site which makes it unsuitable for development in accordance with the provisions of this code. Supporting documentation, such as a soils report or other professional report signed and sealed by a licensed engineer in the State of Missouri may be required by the Director of Public Services.
- (b) Adjacent property shall be properly safeguarded
- (c) The proposed community unit plan shall be consistent with the intent and purpose of this code to promote the public health, safety, and general welfare.
- (d) Improvements to be located on the tract of land shall be used only for residential purposes and the usual accessory uses such as garages, storage space, and community activities.
- (e) The average land area per dwelling unit contained in the net site area shall not be less than the land area per dwelling unit required by the area regulations of the existing or petitioned for district in which such tract of land is situated.
- (f) As a condition of approval, an area of at least 10 percent of the net site area, or one-half of an acre, whichever is larger, may be required to be set aside and permanently maintained as a playground or recreational area for use of residents of the tract of land.
- (g) The proposed community unit plan shall provide adequate legal provisions to ensure that the development plan approved will be constructed and completed, and that any common areas will be properly protected and maintained. In order to effectuate this subsection, it may be required as a condition of approval of the development plan that deed restrictions or a trust indenture be executed and recorded.
- (h) Community buildings may be permitted which may be used for recreation, meeting, or community dining space when not operated for profit.

## Article V: Accessory Uses and Structures

### § 25-41. Purpose.

This section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this section is to allow a broad range of accessory uses while not creating adverse impacts on surrounding properties.

### § 25-42. General Provisions.

- (a) An accessory use or structure shall be incidental to the primary use of the lot, and shall not alter the character of the principal use.
- (b) Unless otherwise stated in this code, accessory uses and structures shall be constructed on the same lot as the principal use that it serves.
- (c) Unless approved as an accessory dwelling unit that meets the standards of [§ 25-45\(b\)](#), residential accessory structures shall not include a basement, cooking facilities, sleeping area, shower, or bathing facility.
- (d) No accessory structure shall be constructed on any lot until the construction of the principal structure has commenced. In cases where the main or principal structure is demolished, an existing accessory structure shall be allowed to remain on the lot or property without the main structure to which it is supposed to be an accessory with the submission of a deposit to cover the potential demolition and on the following conditions:
  - (1) Up to 180 days consistent with that allowed by [Article XII: Nonconformities](#); or
  - (2) A building permit is obtained for the reconstruction of the main or principal structure, the construction of which shall take place within 12 months. Failure to reconstruct the main or principal structure will be an automatic cause for the removal of the accessory structure at the owner's expense.
- (e) Gardens and the raising of crops for the personal use of the residents, tenants, or property owners, may be grown in any yard, without a permit.
- (f) An accessory structure that is attached to the principal building shall be considered an integral part of the principal building and shall comply with the development standards for the principal building. Any accessory structure shall be considered an integral part of the principal building if there is a substantial connection between the accessory structure and principal building by a roof or wall.
- (g) Small accessory structures such as doghouses, hose boxes, etc. that have a footprint of less than 10 square feet and are not determined to be a building shall be exempt from the provisions of this article provided they are located in the side or rear yard.
- (h) **Maximum Height**  
Unless otherwise stated, the maximum height of a detached accessory structure shall be 24 feet, or one and one-half stories. In no case shall an accessory structure exceed the height of the principal building.
- (i) **Maximum Size and Coverage in Residential Zoning Districts**  
In all residential districts, the total of all accessory structures under roof, including those considered to be small accessory structures exempt from other sections of this article, shall not exceed a site coverage of seven percent of the total lot area or no more than 1,500 square feet, whichever is less.



(j) **Setback and Location Requirements**

- (1) Unless otherwise stated in this section, all accessory uses and structures shall be set back a minimum of five feet from all lot lines.
- (2) Any accessory structure that has a wall or façade length of 25 feet or more, regardless of the presence of architectural features or façade offsets, shall maintain a minimum side and rear yard setback equal to the side setback required for principal structures in the applicable zoning district. See [Figure 42-A](#). Accessory dwelling units shall be subject to the setback standards in [§ 25-45\(b\)](#), regardless of façade length.

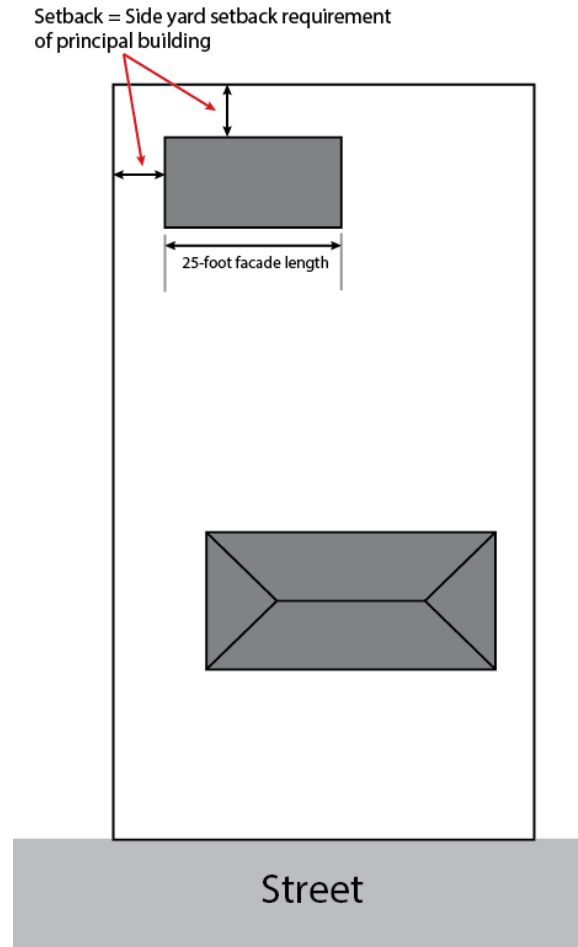
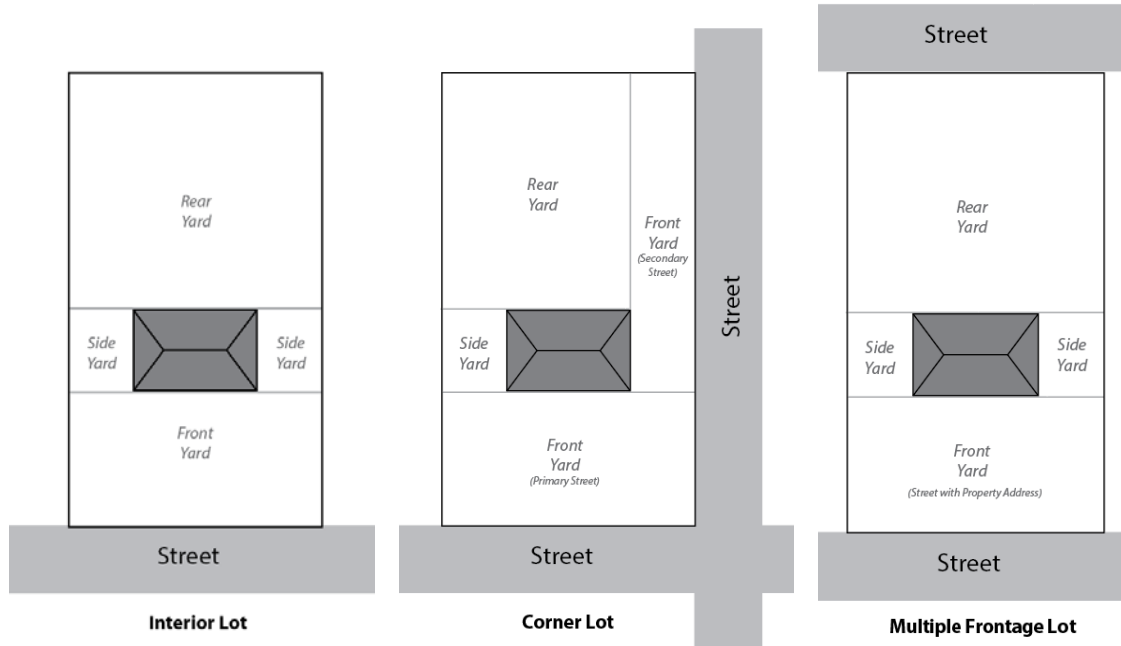


Figure 42-A: Setback requirements for tall or wide accessory buildings

- (3) Additional setbacks may be required from the principal building, adjacent structures, or streets based on the applicable building or fire code regulations.
- (4) Detached accessory structures shall be separated from the principal building by a minimum of ten feet unless a reduced setback is permissible by the applicable building and fire codes.
- (5) If the separation of the accessory and main structure is less than ten feet, the accessory structure shall conform to the same yard requirements as the principal building.

- (6) [Table 44-1](#) establishes the yards in which accessory structures and uses are permitted. [Figure 42-B](#) illustrates typical lot types and the locations of each yard as it relates only to accessory uses and structures and the provisions of this article.



*Figure 42-B: Location of yards as it relates to permitted accessory uses.*

§ 25-43. Prohibited Structures for Accessory Uses.

Except as provided in code, the use of structures that are not permanently anchored into a foundation including, but not limited to, inflatable garages or storage structures, portable carports or garages, portable containers, shipping containers, and semi-tractor trailers used for storage (with or without wheels) shall not be used as permanent accessory structures in any zoning district.

§ 25-44. Permitted Accessory Uses and Structures

The following is an explanation of [Table 44-1](#).

- (a) The symbols for permitted uses (P), permitted uses with standards (PS), and special uses (S) are defined in the same manner as [§ 25-35\(b\)](#).
- (b) **Prohibited Uses**
  - (1) A blank indicates that a use is prohibited in the respective zoning district.
  - (2) Any use not specifically listed shall be considered prohibited unless approved through a code text amendment or addressed through [§ 25-44\(f\)](#).
- (c) **Yards Permitted**

This column identifies within which yards the use may be permitted. See the use-specific standards for any restrictions related to placement in individual yards. In some cases, accessory uses are only permitted within the principal building or an approved accessory structure, in which case the table establishes these as “indoors”.

**(d) Use-Specific Standards**

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.

**(e) Downtown Master Plan Study Area**

The Downtown Master Plan Study Area, as established in the Downtown Master Plan Report, is a special area that overlaps multiple zoning districts. The column titled “Downtown Master Plan Study Area” identifies where and how accessory uses and structures are permitted or prohibited in the study area regardless of the zoning district.

**(f) Use Determination and Unlisted Uses**

- (1) 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.
- (2) An applicant may appeal a determination by the Director of Public Services in accordance with [§ 25-25](#) or may seek a text amendment in accordance with [§ 25-17](#).

**TABLE 44-1: PERMITTED ACCESSORY USES AND STRUCTURES**

Use Category and Use Type P = Permitted Use PS = Permitted Use with Standards S = Special Use	R-1, R-2., R-3 or R-4	R-5, R-6, or R-MM	B-1	B-2, B-3, B-4, B-5, or I-1	Downtown Master Plan Study Area	F-1	Yards Permitted F = Front S = Side R = Rear	Use-Specific Standards in Section:
Accessibility Ramps	PS	PS	PS	PS	PS	PS	F, S, or R	<a href="#">§ 25-45(a)</a>
Accessory Dwelling Units	S						S or R	<a href="#">§ 25-45(b)</a>
Amateur Radio Towers and Antennae	PS	PS	PS	PS	PS	PS	S or R	<a href="#">§ 25-45(c)</a>
Clubhouses		S					F, S, or R	<a href="#">§ 25-45(d)</a>
Community Gardens	PS	PS	PS	PS	PS	PS	F, S, or R	<a href="#">§ 25-45(e)</a>
Detached Garages and Carports	PS	PS	PS	PS	PS	PS	S or R	<a href="#">§ 25-45(f)</a>
Detached Storage/Utility Sheds, Gazebos, Pool Houses, Greenhouses, and other Similar Accessory Buildings	PS	PS	PS	PS	PS	PS	S or R	<a href="#">§ 25-45(g)</a>
Drive-Through Facilities				S			See <a href="#">§ 25-45(h)</a> .	
Family Day Care Homes	PS	PS	PS	PS	PS		Indoors	<a href="#">§ 25-45(i)</a>
Group Day Care Homes	S	S	S	S	S		Indoors	
Home Occupations	PS	PS	PS	PS	PS		Indoors	<a href="#">§ 25-45(j)</a>
Nursery Schools or Day Care Centers (Children or Adults)	PS	PS	PS	PS	PS		NA	<a href="#">§ 25-45(k)</a>
Off-Site Parking	S	S	PS	PS	PS		All of the Lot	<a href="#">§ 25-45(l)</a>
On-Site Parking	See <a href="#">Article IX: Parking, Access, and Mobility Standards</a> .							
Outdoor Displays and Sales			PS	PS	PS		F, S, or R	<a href="#">§ 25-45(m)</a>
Outdoor Dining			S	S	S		F, S, or R	<a href="#">§ 25-45(n)</a>
Outdoor Seating			PS	PS	PS		F, S, or R	<a href="#">§ 25-45(n)</a>

TABLE 44-1: PERMITTED ACCESSORY USES AND STRUCTURES								
Use Category and Use Type P = Permitted Use PS = Permitted Use with Standards S = Special Use	R-1, R-2., R-3 or R-4	R-5, R-6, or R-MM	B-1	B-2, B-3, B-4, B-5, or I-1	Downtown Master Plan Study Area	F-1	Yards Permitted F = Front S = Side R = Rear	Use-Specific Standards in Section:
Outdoor Storage and Bulk Sales				S			S or R	<a href="#">§ 25-45(o)</a>
Outdoor Vending Machines and Drop-Off Boxes				PS			F, S, or R	<a href="#">§ 25-45(p)</a>
Playsets	PS	PS					S or R	<a href="#">§ 25-45(q)</a>
Retail Businesses	PS	PS	PS	PS	PS	PS	Indoors	<a href="#">§ 25-45(r)</a>
Satellite Dishes	PS	PS	PS	PS	PS	PS	See <a href="#">§ 25-45(s)</a> .	
Solar Energy Systems	See <a href="#">§ 25-51</a> .							
Sport Courts (Outdoor)	PS	PS	PS	PS	PS	PS	S or R	<a href="#">§ 25-45(t)</a>
Sport Equipment	PS	PS	PS	PS	PS	PS	F, S, or R	<a href="#">§ 25-45(u)</a>
Swimming Pools (Outdoors)	PS	PS	PS	PS	PS	PS	S or R	<a href="#">§ 25-45(v)</a>
Temporary Construction Structures	PS	PS	PS	PS	PS	PS	<a href="#">F, S, or R</a>	<a href="#">§ 25-45(w)</a>
Unenclosed Patios, Porches, and Decks	PS	PS	PS	PS	PS	PS	F, S, or R	<a href="#">§ 25-45(x)</a>
Vestibules		PS					F, S, or R	<a href="#">§ 25-45(y)</a>
Wind Energy Systems	See <a href="#">§ 25-51</a> .							

§ 25-45. Standards for Specific Accessory Uses and Structures

The following requirements apply to the specific types of accessory uses and structures listed, in addition to the requirements of [§ 25-42](#).

**(a) Accessibility Ramps**

Ramps that provide access to buildings for the disabled are permitted in all zoning districts and may encroach in all setbacks but shall not be located within five feet of a side property line, to the maximum extent feasible. Ramps shall not encroach on a public sidewalk, right-of-way, or street.

**(b) Accessory Dwelling Units**

- (1) Accessory dwelling units shall only be permitted when accessory to a single-family dwelling on a single lot.
- (2) Accessory dwelling units may be constructed within an existing dwelling unit (interior apartment) or as a separate or converted accessory structure (e.g., converted garage, carriage house, unit above a garage).
- (3) An accessory dwelling unit that is constructed within the principal dwelling (interior apartment) shall comply with the following:
  - (i) May occupy a basement, first, or second story of a main residence if it is designed as an integral part of the main residence and meets the setbacks required for the main residence.
  - (ii) Any separate external entrance shall be located on the side or in the rear of the building.

- (4) An accessory dwelling unit that is in a separate, detached building or is added to a detached building shall be constructed in a manner that reflects the architectural style, materials, colors, and roof design of the principal dwelling. Such detached building shall meet the setback requirements for principal buildings in the applicable zoning district.
- (5) No existing accessory building can be converted to an accessory dwelling unit or modified to incorporate an accessory dwelling unit without meeting all the standards of this section including the required setbacks.
- (6) Accessory dwelling units may have a maximum height of up to two stories. In no case shall an accessory dwelling unit exceed the height of the principal building.
- (7) Only one accessory dwelling unit is permitted on an individual lot.
- (8) There shall be a minimum lot area of 15,000 square feet for any lot that contains an accessory dwelling unit.
- (9) The maximum size of an accessory dwelling unit shall be 750 square feet of floor area and shall not contain more than two bedrooms. The calculation of floor area shall include basements but shall not include garage space when said accessory dwelling unit is part of a detached garage.
- (10) One off-street parking space shall be provided in addition to any spaces required in [§ 25-65](#). Such parking space shall have direct, drivable access to a street.
- (11) The owner of the lot shall reside in either the principal dwelling or accessory dwelling unit as long as both dwelling units are occupied as residences.

**(c) Amateur Radio Towers and Antenna**

- (1) No more than one amateur radio tower and/or stand-alone antenna shall be permitted on each lot.
- (2) Ground-mounted amateur radio towers, antennas, and related guy wire anchors must be located in the rear yard.
- (3) Such tower shall not exceed 55 feet in height. The measurement shall be made from the grade directly beneath the tower to the highest point on the antenna or tower, whichever is the tallest point of the structure.
- (4) Antennas and guy wire anchors shall not overhang or otherwise be located within required accessory structure setbacks or on adjacent lots.
- (5) When an amateur radio tower and antenna is no longer being used by an FCC amateur radio license holder for amateur radio service, the tower and antenna must be removed no more than 180 days after cessation of the FCC license or the transfer or property ownership or lease to an individual without an FCC license.
- (6) Amateur radio towers and antennas that do not comply with the provisions of this section shall require a special use permit. The application for a special use permit for amateur radio towers and antennas must demonstrate that compliance with the provisions of this section would prevent the amateur radio operator from exercising the rights granted to him or her by the FCC or the State of Missouri by license or law.

**(d) Clubhouses**

- (1) Only one clubhouse is permitted as part of a development in the R-5 or R-6 District.
- (2) Such clubhouse shall be for the use and gathering of the residents and their guests in the development the clubhouse serves.
- (3) The clubhouse shall not be used or leased out for commercial purposes.

- (4) The clubhouse shall be designed with a residential character that reflects the architectural style, materials, and colors of the other principal residential dwellings of the related development.
- (e) Community Gardens**  
Community gardens that are accessory to another principal use shall be subject to the same rules as established for community gardens in [§ 25-36\(b\)](#).
- (f) Detached Garages and Carports**  
Only one detached garage or carport is permitted on an individual lot.
- (g) Detached Storage/Utility Sheds, Gazebos, Pool Houses, Greenhouses, and other Similar Accessory Buildings**  
A maximum of two such buildings are permitted on an individual lot.
- (h) Drive-Through Facilities**  
The following standards shall apply to businesses that contain a drive-through facility regardless if the drive-through is part of another use (e.g., restaurant or financial institution) or if it is a stand-alone use (e.g., automatic teller machine).
- (1) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 100 feet of any residential dwelling unit.
- (2) All drive-through areas, including but not limited to drive-through signs, waiting lanes, trash receptacles, audio equipment, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.
- (3) If the drive-through window, drive-through signage (See Chapter 5, Article II, of the Municipal Code), or any audio equipment are located in the front yard, they shall be screened with landscaping of a height that will fully screen the window, signage, or audio equipment. Such screening shall not be required for waiting spaces that are located in a front yard.
- (4) Drive-through facilities shall be required to include vehicle queuing lane requirements as established in [§ 25-66](#).
- (i) Family Day Care Homes**
- (1) Each family day care home shall not provide for more than six children unrelated to the day care operator.
- (2) No such home shall be permitted unless it is licensed by the Department of Public Health and Welfare, Division of Welfare, State of Missouri.
- (3) Not more than one such home shall be permitted on each block. The term "block" as used herein means on both sides of the street between two intersecting streets, or from an intersecting street to the dead end of a street. In no instance shall there be more than 30 such family day care homes established and permitted within the City of Kirkwood.
- (4) No family day care home shall be permitted unless the home meets the minimum setback requirements of the applicable zoning district.
- (5) A family day care home shall only be permitted in a business or industrial district if it is accessory to a residential dwelling.

- (6) A permitted family day care home shall operate only within the hours of 7:00 a.m. to 7:00 p.m. for the care of children not related to the day care operator.
- (7) The occupancy permit for a family day care home shall be granted for 12 months, at the end of which time the operator shall be required to apply for a renewal of the occupancy permit for said permitted use. At the time of so applying, the operator must demonstrate and show to the Director of Public Services that the family day care home complies with all of the minimum standards herein set forth before the occupancy permit for said permitted use may be renewed.

**(j) Home Occupations**

The following standards for home occupations are intended to provide reasonable opportunities for employment within the home, while avoiding changes to the residential character of a dwelling that accommodates a home occupation, or the surrounding neighborhood, where allowed by this section.

- (1) The home occupation shall be clearly secondary to the full-time use of the property as a residence.
- (2) Any home occupation that provides services where members of the public visit or enter the premises may be permitted if designed to accommodate one client at a time and which meets all other applicable requirements for home occupations.

**(3) Permitted Home Occupations**

The following uses are examples of uses that may be approved as a home occupation when in compliance with this section:

- (i) Art and craft work including, but not limited to ceramics, painting, photography, dressmaking, sewing, weaving, tailoring, ironing, washing, and sculpting;
- (ii) Office-only uses, including, but not limited to, an office for an architect, financial advisor, attorney, consultant, counselor, insurance agent, planner, tutor, contractor, or writer;
- (iii) Personal service establishments including, but not limited to, beauty parlors, barber shops, or licensed massage or physical therapy;
- (iv) Mail order, online businesses, or direct sale product distribution (e.g., Amway, Avon, Creative Memories, Pampered Chef, etc.); and
- (v) Other similar uses that the Director of Public Services determines to be similar in nature and impact on the property and surrounding neighborhood.

**(4) Prohibited Home Occupations**

The following are business activities that are prohibited as home occupations:

- (i) Animal hospitals, grooming, and boarding facilities;
- (ii) Automotive and other vehicle repair and service;
- (iii) Construction, landscaping, or similar contractor facilities and storage (an office-only use is allowed in compliance with the above section) and other outdoor storage;
- (iv) Fitness/health facilities that provide group activities or services;
- (v) Medical clinics, laboratories, or doctor's offices;

- (vi) Parking on, or dispatching from the site, any vehicle used in conjunction with the home occupation (e.g., landscaping services, house cleaning, taxi services, construction, etc.) with the exception of a vehicle owned and operated by the home owner or tenant;
- (vii) Uses that require explosives or highly combustible or toxic materials;
- (viii) Welding and machine shop operations;
- (ix) Retail uses with on-site sales;
- (x) Wood cutting businesses; or
- (xi) Other similar uses as determined by the Director of Public Services.

**(5) Operating Standards**

- (i) Permitted home occupations shall not create an adverse effect on the residential character of the zoning district or interfere with the reasonable enjoyment of adjoining properties.
- (ii) The hours of operation for any home occupation shall be between the hours of 6:00 a.m. and 8:00 p.m. unless the home occupation is an office use or other use that does not require clients, employees, or other people to visit the dwelling, in which case the hours of operation shall not be limited.
- (iii) No equipment shall be used which will create any dust, noise, odors, glare, vibrations, or electrical disturbances beyond the lot.
- (iv) All storage of materials, goods, supplies, or equipment related to the operation of a home occupation shall be inside the structure.
- (v) The residential building shall not be altered in any manner that is intended to change the residential appearance of the dwelling to a building with a commercial appearance. There shall be no separate entrance created solely for the home occupation.
- (vi) At least one resident of the dwelling shall operate the home occupation and there may be up to one employee on-site who does not reside at the dwelling.
- (vii) The operator of a home occupation in a rental unit shall be able to demonstrate that the property owner has authorized the use of the unit for a home occupation.
- (viii) No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home occupations.
- (ix) No additional off-street parking or loading facilities shall be provided beyond that traditionally used for residential uses. No additional driveways shall be established for the use of the home occupation.
- (x) There shall be no signs other than the wall signs allowed on a dwelling in Chapter 5, Article II, of the Municipal Code.
- (xi) Traffic shall not be generated by such home occupation in significantly greater volume than would normally be expected in the residential neighborhood.
- (xii) There shall be no window display or outdoor storage or display of equipment, materials, or supplies associated with the home occupation.
- (xiii) Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.
- (xiv) When any home occupation results in an undesirable condition interfering with the general welfare of the surrounding residential area, such home occupation may be terminated by the Director of Public Services.



**(k) Nursery Schools or Day Care Centers (Children or Adults)**

Nursery schools or day care centers may only be permitted as accessory uses to permitted and conforming nonresidential uses. Such use shall be located within the principal building except for any outdoor play areas approved through the special use permit process.

**(l) Off-Site Parking**

- (1) Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking facility.
- (2) No off-site parking space shall be located more than 1,000 feet from the primary use served, measured along the shortest, legal walking route. This route may include crossing a right-of-way provided the crossing is at a marked crosswalk.
- (3) The off-site parking facility shall adhere to the landscaping requirements for vehicular use areas in [Article VIII: Landscaping and Buffering Standards](#).
- (4) Off-site parking facilities in residential districts shall only provide parking for uses within the same residential zoning district and shall not provide parking for uses in adjacent zoning district.
- (5) Off-site parking facilities shall be used solely for the parking of passenger motor vehicles. No commercial repair work or service of any kind shall be conducted on said parking lot.
- (6) Only signage authorized in Chapter 5, Article II, of the Municipal Code shall be permitted on the lot used for off-site parking.
- (7) Lighting shall comply with [§ 25-52](#).
- (8) Each entrance to and exit from said parking lot shall be at least 20 feet distant from any adjacent property located in any residential district, except where ingress and egress to the parking lot is provided from a public alley or public way separating the residential areas from the proposed parking lot.
- (9) Off-site parking facility shall be in the same possession, either by deed or long-term lease, as the property occupied by such principal use or uses served, and the owner shall be bound by covenants filed of record in the office of the St. Louis County Recorder of Deeds, requiring the owner and the owner's heirs, successors and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.

**(m) Outdoor Displays and Sales**

Seasonal and permanent facilities for outdoor display and sales (e.g., garden supply sales, news and flower stands, and similar uses) that are accessory to another principal use may be permitted upon compliance with the following:

- (1) Such uses shall not be placed within the street right-of-way except in the Downtown Master Plan Study Area where such displays shall comply with the following:
  - (i) The displays and/or sales must be temporary and removed from the sidewalk when the business is closed;
  - (ii) There shall be a minimum sidewalk clearance of six feet; and
  - (iii) The displays and/or sales shall comply with all other right-of-way requirements established in the City of Kirkwood Municipal Code.
- (2) Such uses shall not be placed within an interior drive, or in a location which will interfere with the vision clearance requirements.

- (3) Outdoor displays and sales shall be related to the principal use of the site and shall clearly be accessory and incidental to the principal use. Outdoor displays and sales shall be prohibited when the principal building is vacant.
- (4) Outdoor displays and sales areas shall not cover an area more than 20 percent of the ground floor area of the principal building.
- (5) Outdoor displays and sales areas shall be shown on the site plan application.
- (6) Outdoor display and sales areas may be permitted in all yards provided that the merchandise is displayed along the private sidewalk or walkway adjacent to the building.
- (7) Outdoor display and sales areas shall be spaced a sufficient distance from the building, as dictated by the City of Kirkwood Fire Department, to satisfy all fire safety requirements.
- (8) Any areas designated for outdoor display or sales shall be set back a minimum of 25 feet from any adjacent lot lines of lots used for residential purposes.
- (9) The placement of the merchandise shall not interfere with pedestrian movement on any sidewalk or walkway. A minimum of six feet of the sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.
- (10) The outdoor display and sales areas shall be maintained in good order and appearance.
- (11) The outdoor display and sale of goods and products shall be limited to those goods and products that a customer can pick up and carry into the building for purchase. Larger items may be displayed for sale if in compliance with the outdoor storage requirements of [§ 25-45\(o\)](#).

**(n) Outdoor Dining and Outdoor Seating**

- (1) Outdoor dining and outdoor seating areas shall be located on a private sidewalk, patio, porch, deck, or other surface, adjacent to the principal building the dining is connected with. Outdoor dining and outdoor seating areas shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the seating area and the principal building.
- (2) Outdoor seating on public sidewalks may be permitted in accordance with §20-95 of the Municipal Code.
- (3) Outdoor dining and outdoor seating shall not be located within 10 feet of fire hydrants, fire department standpipe connections, fire escapes, bus stops, loading zones, mail boxes, or traffic signal stanchions.
- (4) If no grade separation is provided between vehicular traffic and the outdoor dining or outdoor seating area, permanent railings or fencing shall be provided around the area. If the dining or outdoor seating area is adjacent to a street or area that is closed to vehicular traffic, no railing or fencing shall be required.
- (5) If the outdoor dining or outdoor seating area is located on a sidewalk, the area shall be designed so there is a minimum of six feet of clearance adjacent to the dining or seating area to allow for safe pedestrian circulation. Such areas shall also not block any areas of ingress or egress from the principal building.
- (6) Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital, or any other individual, group or mechanical device shall not be permitted for outdoor seating areas. Such activities may be permitted as part of an outdoor dining area if approved as part of the special use permit.

- (7) Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.
  - (8) Outdoor tables, chairs, umbrellas, furniture, and decorative items shall be of uniform design.
  - (9) Provision shall be made for appropriate lighting which will not disturb adjacent property or affect traffic on adjacent rights-of-way.
  - (10) Provisions are made for adequate litter and trash control, including the providing and maintenance of trash receptacles. The outdoor area shall be kept clean and free of debris at all times.
  - (11) For outdoor seating areas, the hours of use are limited from 6:00 a.m. to 12:00 midnight except in B-1 District, where it shall be limited from 7:00 a.m. to 10:00 p.m. For outdoor dining areas, the hours of use shall be approved as part of the special use permit.
  - (12) Enclosing outdoor dining or outdoor seating areas either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require review as an expansion of the principal building, as required by this code.
- (o) Outdoor Storage and Bulk Sales**
- (1) Outdoor storage and bulk sales areas shall be shown on the site plan.
  - (2) Areas devoted to outdoor storage shall be paved with asphalt or concrete and free of dust.
  - (3) Areas devoted to outdoor storage or bulk sales shall be located behind the front building line. The enclosed area shall be setback 25 feet from any lot line adjacent to a residential district and in no case shall the side and rear setback of the enclosed area be less than 10 feet.
  - (4) Outdoor storage or bulk sales areas shall be screened by fencing, walls, or landscaping in accordance with [Article VIII: Landscaping and Buffering Standards](#).
  - (5) If the screening needs to exceed eight feet in height to conceal the storage of materials, the screening shall consist of a wall or fence and shall be constructed of materials similar to the principal building so that it appears to be an extension of the principal structure. See [Figure 45-A](#).



*Figure 45-A: Use of a wall and fencing for screening that is architecturally compatible with the principal building.*

- (6) The above screening may be waived or reduced as part of the site plan review if it is determined that the storage or sales are adjacent to similar outdoor activities in the same business or industrial zoning district.

**(7) Outdoor Storage of Vehicles and Equipment**

The accessory outdoor storage of vehicles and equipment, related to or utilized by a principal use, shall be an accessory use associated with a permitted use in those zoning districts where permitted pursuant to [Table 35-1](#) and shall comply with the provisions of Paragraphs [§ 25-45\(o\)\(1\)](#) through [§ 25-45\(o\)\(6\)](#) as well as the following:

- (i) All stored vehicles or equipment shall be necessary to and customarily associated with the principal use.
- (ii) All vehicles or equipment shall be in an operable state. In no case shall inoperable vehicles be stored.
- (iii) All outdoor storage of vehicles and equipment shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at the grade level of an abutting residential district line. However, in no case shall the height of the fence or wall be less than six feet. The solid wall or fence and the associated gates shall be maintained in good condition.
- (iv) All vehicles and equipment shall be stored in such a fashion as to be accessible to firefighting equipment at all times.
- (v) These standards shall not apply to the outdoor storage of vehicles and equipment when the storage or parking of such vehicles or equipment is a principal use of the lot (e.g., vehicles sales and leasing).

**(p) Outdoor Vending Machines and Drop-Off-Boxes**

Outdoor vending machines and drop-off boxes for recycled goods, books, donations, etc., may be permitted when they comply with the following regulations:

- (1) No such use or facility shall be placed within the street right-of-way or within an interior drive.

- (2) The facility or equipment shall be maintained in good operating order and appearance.
- (3) Vending machines and drop-off boxes shall only be permitted in the B-3, B-4, B-5 and I-1 Districts.
- (4) Vending machines shall only be placed along the façade of the principal building with a maximum of one machine for every 50 feet of building frontage. See [Figure 45-B](#).



*Figure 45-B: The above is an image of a vending machine that is appropriately located along the façade of the building.*

- (5) Only one drop-off box shall be permitted on any single lot.
  - (6) Drop-off boxes shall only be permitted in the side or rear yard.
  - (7) The drop-off box container shall be emptied at least once every week. Containers that result in the overflow of donated goods shall be declared a nuisance and shall be removed immediately upon notification by the Director of Public Services at the expense of the property owner or business owner.
- (q) Playsets**
- (1) If a playset has more than 120 square feet of enclosed play area, the use shall be reviewed in the same manner as a “detached storage/utility sheds, gazebos, pool houses, greenhouses, and other similar buildings.”
  - (2) Any playset with an enclosed area of less than 120 square feet shall be permitted in the side or rear yard. For corner lots, these smaller playsets may be permitted in the front yard of the secondary street frontage provided that the playset is set back a minimum of 10 feet from the lot line. For multiple frontage lots, these smaller playsets may be permitted in the front yard on which the house is not addressed provided that the playset is set back a minimum of 10 feet from the lot line. See [Figure 42-B](#) for an illustration of the location of the applicable front yards.
- (r) Retail Businesses**
- Retail businesses are permitted in all zoning districts where such uses are not principally permitted provided:
- (1) Such uses are an accessory use;
  - (2) The uses are located completely within a principal building of a nonresidential use; and

- (3) The total floor area of accessory uses shall not exceed 15 percent of the total gross floor area of the principal building.

**(s) Satellite Dishes**

- (1) Satellite dishes of one meter in diameter or less shall be exempt from the provisions of this article.
- (2) Satellite dishes shall be limited in residential districts to a maximum of one satellite dish per residential unit.
- (3) Building-mounted satellite dishes shall not exceed three feet above the maximum height of the building on which it is located.
- (4) Ground-mounted satellite dishes shall not exceed 12 feet above the adjacent ground level.
- (5) To the maximum extent feasible, the dish should be located in the side or rear yard.
- (6) Satellite dishes larger than one meter in diameter may be permitted if approved as a special use.

**(t) Sport Courts**

For corner lots, a sport court may be permitted in the front yard of the secondary street frontage provided that it is set back a minimum of 10 feet from the lot line. For multiple frontage lots, a sport court may be permitted in the front yard on which the house is not addressed provided that it is set back a minimum of 10 feet from the lot line. See [Figure 42-B](#) for an illustration of the allowable yards.

**(u) Sports Equipment**

Sports equipment such as basketball hoops, nets, goals, etc. shall not be located in rights-of-way or be so located as to require play in any right-of-way.

**(v) Swimming Pools (Outdoors)**

- (1) A swimming pool shall be intended and used solely by the occupants and guests of the principal use of the property on which it is located.
- (2) Above-ground swimming pools shall meet the setback requirements of the principal building on the lot, as established in [Q](#) and [§ 25-49](#), as applicable. Above-ground swimming pools shall be defined as any pool where the water line is above grade and requires walls or a support system to contain the water.
- (3) In-ground swimming pools, where the water line is below grade, shall comply with the accessory use setbacks established in this section; however, said pools shall not be required to comply with the increased setback requirements for accessory structures with walls or facades that are 25 feet in length or greater.
- (4) Any patio, deck, or other surface around a swimming pool shall be subject to the applicable standards for such patio, terrace, deck or other structure established in this section.

**(w) Temporary Construction Structures**

Temporary structures for construction operations may be permitted in any district if such structures are deemed necessary, provided:

- (1) The use of such structures shall be limited to offices; buildings for the storage of lumber, tools, equipment, and other building materials; and construction dumpsters. Such structures may also be utilized to accommodate the existing uses on a site while there is a valid building permit.

- (2) The temporary construction structure shall be placed on the same site as the related construction, to the maximum extent feasible. If the structure is proposed to be established on a separate lot, the applicant shall identify such location on the site plan application for the related construction activity and approval of such placements shall be required as part of the applicable site plan review.
  - (3) All temporary structures shall be set back a minimum of 25 feet from the nearest occupied residential dwelling.
  - (4) A temporary construction structure may be placed on the site up to two weeks prior to the start of grading or construction.
  - (5) In all districts except the R-1, R-2, R-3, and R-4 Districts, temporary dumpsters for construction shall be prohibited in the front yard.
  - (6) The structure shall not be located within a floodplain or in a location that will obstruct drainage flow nor shall they be placed or block a right-of-way.
  - (7) The structure shall not block or prevent access to any fire hydrant.
  - (8) All temporary structures for construction operations shall be removed within 30 days after the completion of work on the premises. In no instance shall a temporary construction structure be permitted for more than 18 consecutive months unless an extended time is approved for construction as part of the site plan review.
  - (9) A proper building permit shall be required.
- (x) Unenclosed Patios, Porches, and Decks**
- (1) Unenclosed patios that do not extend more than three feet above grade are permitted in any yard provided they are set back a minimum of two feet from all lot lines.
  - (2) Unenclosed porches and decks that do not exceed one story in height may extend up to ten feet into the minimum front and rear yard setback requirement.
  - (3) Patios, porches, and decks in the rear yard may have built-in fireplaces, grills, or kitchen areas provided such use complies with any applicable building code requirements.
  - (4) Patios, porches, and decks that have been enclosed with walls shall be considered a part of the principal structure and shall be subject to the site development standards of the applicable zoning district.
- (y) Vestibules**
- An enclosed vestibule or porch that contains no more than 40 square feet may encroach into the front yard up to four feet.

## Article VI: General Development Standards

§ 25-46. Measurements, Computations, and Exceptions.

The following provisions shall establish the rules of measurement, computation, and any related exceptions, for all calculations required by this code.

**(a) Distance Measurements**

Unless otherwise expressly stated, distances specified in this code are to be measured as the length of an imaginary straight line joining those points.

**(b) Percentages and Fractions**

When a calculation or ratio established in this code results in a fractional number or percentage, any fraction less than one-half shall be rounded down to the new lower whole number and any fraction of one-half or more shall be rounded up to the next higher whole number. Any percentage of less than 0.5 shall be rounded down to the next lower whole number and any percentage of 0.5 or greater shall be rounded up to the next higher whole number. For measurements of linear feet, measurements shall be provided in decimal form to the nearest hundredth with the rounding rules described above applying.

**(c) Lot Area Measurements**

The area of a lot includes the total two-dimensional, horizontal surface area within the lot's boundaries.

**(d) Lot Frontage Measurements**

Lot frontage is the distance between the side lot lines measured along the right-of-way line as depicted in [Figure 46-A](#).

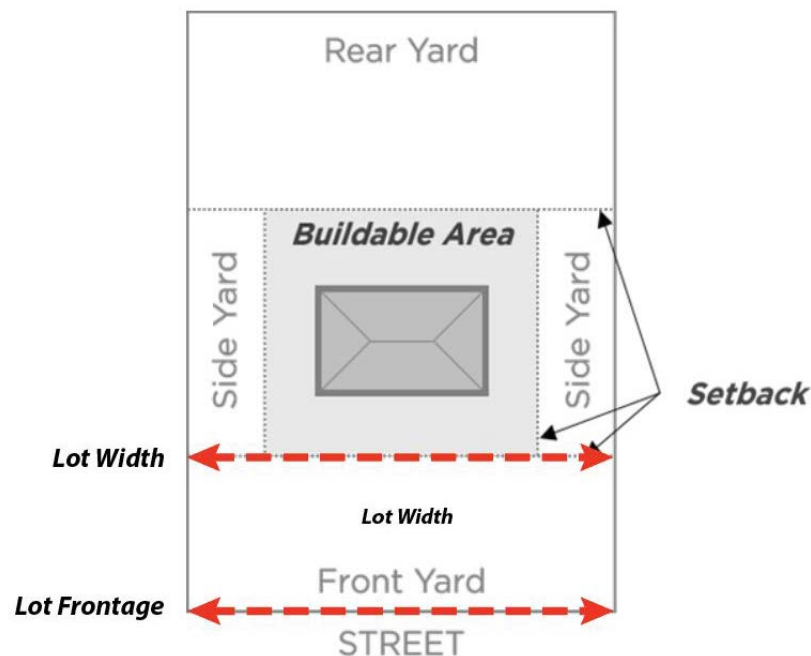


Figure 46-A: Lot width (at front building line) and lot frontage measurements for typical interior lots



**(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 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) Attached garages, carports, or porte cocheres shall be counted at 50 percent of the floor area.
- (4) 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.

**(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:

- (1) R-1, R-2 R-3, R-4, R-MM Districts, and Single-Family Homes in the R-5 District**

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the building. This measurement shall include flat, mansard, gable, hip, and gambrel roofs, and all other architectural features of the building.
- (2) All Other Districts**

The vertical distance measured from the average elevation of the proposed finished grade around the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.
- (3) Height Exceptions**
  - (i)** The ordinary elevation of chimneys and flues may extend above the allowed building height as regulated by the building code.
  - (ii)** Spires, steeples, or belfries not intended for human occupancy may exceed the maximum height listed in the underlying district when associated with a place of worship.
  - (iii)** The height of telecommunications facilities, including antennas, poles, towers, and necessary mechanical appurtenances, shall comply with [Article XI: Telecommunications](#).
  - (iv)** The height of wind energy turbines shall comply with [§ 25-51](#) Energy Generation Devices.

**(k) Setbacks, Yards, and Lot Type Requirements**

- (1) General Requirements**

Each structure shall comply with the front, side, and rear yard setbacks requirements of the applicable zoning district except:

  - (i)** Fences that are in compliance with Chapter 5, Article IV of the Municipal Code;
  - (ii)** Accessory structures in compliance with [Article V: Accessory Uses and Structures](#);
  - (iii)** Signs in compliance with Chapter 5, Article II of the Municipal Code;
  - (iv)** Use-specific setbacks in accordance with [§ 25-36](#); and
  - (v)** As otherwise provided by this article.
- (2) Measurements**

Setbacks shall be measured from the applicable right-of-way line or lot line to the closest portion of the building. In case of shared private road/drive easements, setbacks shall be measured from the easement line. In computing the depth of a rear yard, where such yard opens onto an alley, one half of the alley width may be included as a portion of the rear yard.

  - (i) Interior Lots**

The location of front, rear, and side yard setbacks for typical interior lots are shown in [Figure 46-B](#).

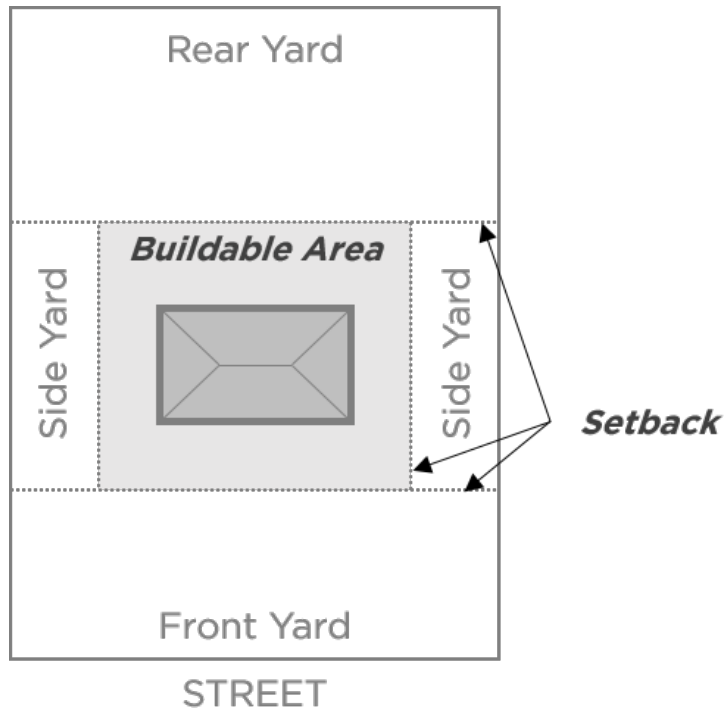


Figure 46-B: Illustration of typical setbacks for an interior lot.

**(ii) Corner Lots**

The location of front, rear, and side yard setbacks for typical corner lots are shown in [Figure 46-C](#).

- a. On a corner lot, there shall be a front yard on each street, except as provided for below.
- b. The rear yard of a corner lot shall be the side opposite the front yard of street frontage with the narrowest width; however, no rear yard shall be required when said lot has frontage on three streets.
- c. In the R-3 and R-4 Districts, the front yard that is required along the narrower frontage is considered the primary front yard. The front yard which is required along the wider frontage is considered the secondary front yard. The minimum secondary front yard shall be equal to 20 percent of the lot width in R-3 District and 30 percent of the lot width in R-4 District.

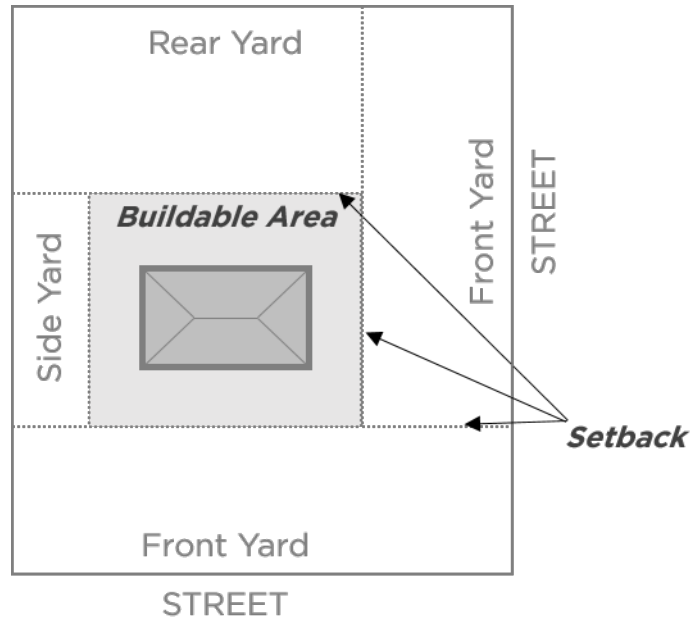


Figure 46-C: Illustration of typical setbacks for a corner lot.

**(iii) Multiple Frontage Lots**

On a lots with multiple frontages that are not classified as corner lots, the required front yard setback shall be provided on all lot lines that abut a street and shall comply with the following:

- a. The front yard setback on the street frontage that the property is not addressed shall be the lesser of either the averaged setback of adjacent structures (See [§ 25-48\(b\)\(2\)](#).) or the front yard setback for the applicable district that would be required in lieu of the averaging procedure mentioned above.
- b. The remaining lot lines not abutting a street shall be considered as side yards and subject to the side yard setback requirements. See [Figure 46-D](#).

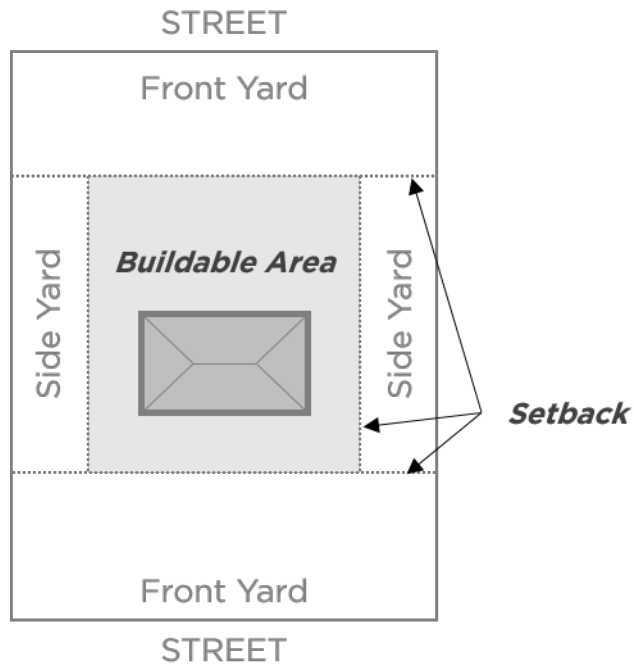


Figure 46-D: Illustration of typical setbacks for a through lot or other lots with multiple frontages except for a corner lot.

**(iv) Cul-de-Sac or Curved Street Lot**

For a cul-de-sac lot or a lot abutting a curved street, the front yard setback shall follow the curve of the front property line (lot line). See [Figure 46-E](#).

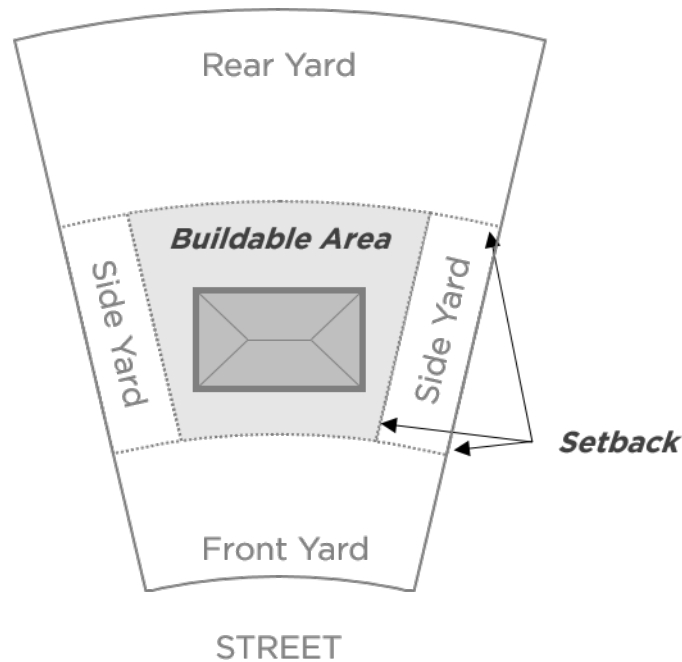


Figure 46-E: Illustration of typical setbacks for lots located on a cul-de-sac or curved street.

**(v) Other Lot Configurations**

Where there is an instance of a lot configuration not addressed, or where there is an atypical building orientation on any lot, the Director of Public Services shall have the authority to decide where front, rear, and side yard setbacks are required.

**(l) Street Frontage Occupation**

When calculating the percentage of the street frontage occupied by a structure, any portion of the structure that is in compliance with the maximum front yard area requirement for the applicable district shall be included. See [Figure 46-F](#). If the requirements below do not allow for a driving lane for vehicle access to a portion of the subject property behind the structure, the minimum street frontage occupation requirement shall be adjusted as follows:

- (1) Properties that have frontage on only one street and/or public alleyway shall be permitted a 22-foot wide driving lane;
- (2) Properties that have frontage on two or more streets and/or public alleyways shall be permitted either a single 22-foot-wide driving lane on one frontage or a 12.5-foot wide (22-foot wide if designated for access by the Fire Department) driving lane on two frontages to allow a dedicated one-way entrance and dedicated one-way exit.

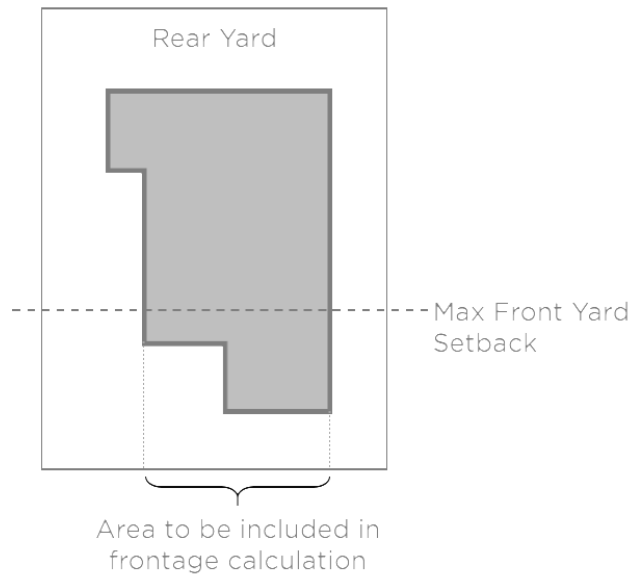


Figure 46-F: Illustration of area to be included in the calculation of the street frontage occupation

**(m) Finished First Floor Height**

The finished first floor height is calculated as the height of a finished first floor measured at the existing finished grade to the finished first floor at the horizontal center of the front foundation wall as depicted in [Figure 46-G](#).

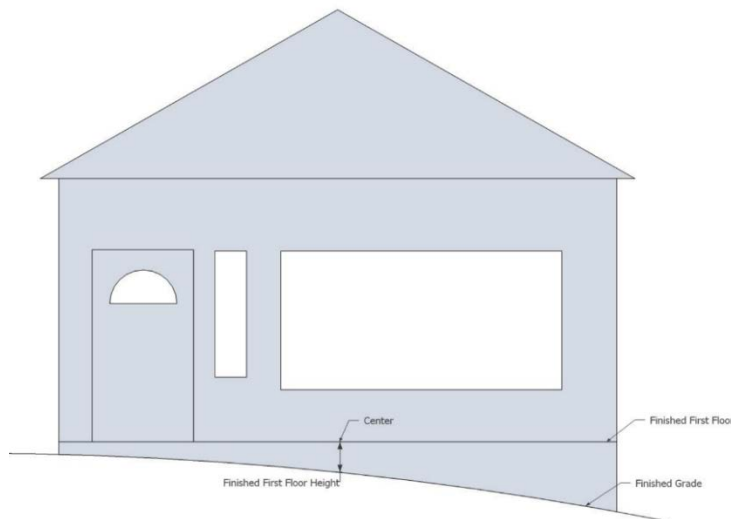


Figure 46-G: Finished first floor height measurement

§ 25-47. General Development Standards

**(a) Use-Specific Standards**

The development standards in this section, as well as [0](#) and [§ 25-49](#), may be modified or varied for specific uses as may be established for principal uses in [§ 25-36](#) or for accessory uses in [§ 25-45](#).

**(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)
- (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
<b>NOTES:</b>			
[1] See <a href="#">§ 25-47(d)(7)</a> 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) If [§ 25-48\(b\)\(2\)](#) dictate the front setbacks, encroachments are permitted as provided for in [Table 47-1](#).
- (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.

**(e) Permitted Encroachments in Nonresidential Districts**

- (1) [Table 47-2](#) establishes the distance of which certain features may encroach into established front, side, and rear yard setbacks within nonresidential districts.

**(2) Nonconforming Setback Compliance**

- (i) For structures that were legally constructed in a nonresidential 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 that are not in conformity shall be considered as the setbacks for the purpose of all additions, alterations, or expansions to the nonconforming structure. Except, no side or rear yard setback shall be less than the amount required in the applicable district when abutting residential zoning district.
- (ii) When nonconforming setbacks are considered as the required setbacks, the only encroachments permitted are roof overhangs, sills, belt courses, cornices and other architectural features not to exceed 30 inches into the yard.

<b>TABLE 47-2: PERMITTED ENCROACHMENTS IN NONRESIDENTIAL DISTRICTS</b>			
<b>Encroaching Feature</b>	<b>Maximum Allowed Encroachment</b>		
	<b>Front Yard [1]</b>	<b>Side Yard</b>	<b>Rear Yard</b>
Unenclosed porch and uncovered porches not more than one story in height or paved patio	10 feet		10 feet
Enclosed vestibule containing not more than 40 square feet	4 feet		
Roof overhangs, sills, belt courses, cornices and other architectural features	30 inches	30 inches	30 inches
Fireplaces and chimneys		24 inches	24 inches
Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers		5 feet	5 feet
<b>NOTES:</b>			
[1] No front yard encroachments are permitted in the B-2 District.			

§ 25-48. Site Development Standards for Residential Zoning Districts.  
 This section, including the accompanying tables, establishes the minimum site development standards for residential zoning districts.

**(a) Lot Area and Lot Width**

[Table 48-1](#) establishes the minimum lot area and lot width required for each lot in a residential zoning district.

<b>TABLE 48-1: LOT AREA AND LOT WIDTH FOR RESIDENTIAL ZONING DISTRICTS</b>		
<b>District/Use</b>	<b>Minimum Lot Area (Square Feet) [1]</b>	<b>Minimum Lot Width (Feet) [1] [2]</b>
R-1	43,560	150
R-2	25,000	125
R-3	15,000	100
R-4	7,500	60
R-5	7,500	60
R-6	See <a href="#">§ 25-48(a)(1)</a>	120
R-MM	7,500	60

**NOTES:**  
 [1] Larger lot areas or widths may be required by a use specific standard. See [§ 25-36](#).  
 [2] Corner lots shall be 10 percent wider on both street frontages than the required zoning width to permit appropriate setbacks.

**(1) Minimum Lot Area for R-6 Planned Multi-Family Residential Districts**

- (i) When a building is erected on a lot in a R-6 District, such lot shall have an area of not less than 800 square feet per dwelling unit for the first four floors in height.
- (ii) For each successive story above four stories, the lot area requirement for such story shall be reduced 100 square feet per dwelling unit so that the requirement shall be 700 square feet of lot area per dwelling unit on the fifth story 600 square feet of lot area per dwelling unit on the sixth story, etc., up to and including the 10th, 11th and 12th stories for which the lot area requirement shall be 200 square feet per dwelling unit.

**(b) Front, Side, and Rear Yard Setbacks in Residential Zoning Districts**

- (1) [Table 48-2](#) establishes the minimum front, side, and rear yard setbacks required for each lot in a residential zoning district.

<b>TABLE 48-2: SETBACKS FOR RESIDENTIAL ZONING DISTRICTS</b>			
<b>District/Use</b>	<b>Minimum Setbacks (Feet)</b>		
	<b>Front Yard [1]</b>	<b>Side Yard (Each Side) [2]</b>	<b>Rear Yard</b>
R-1	60	25	50
R-2	50	20	45
R-3	40	12	35
R-4	35	8	30

<b>TABLE 48-2: SETBACKS FOR RESIDENTIAL ZONING DISTRICTS</b>			
<b>District/Use</b>	<b>Minimum Setbacks (Feet)</b>		
	<b>Front Yard [1]</b>	<b>Side Yard (Each Side) [2]</b>	<b>Rear Yard</b>
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](#).

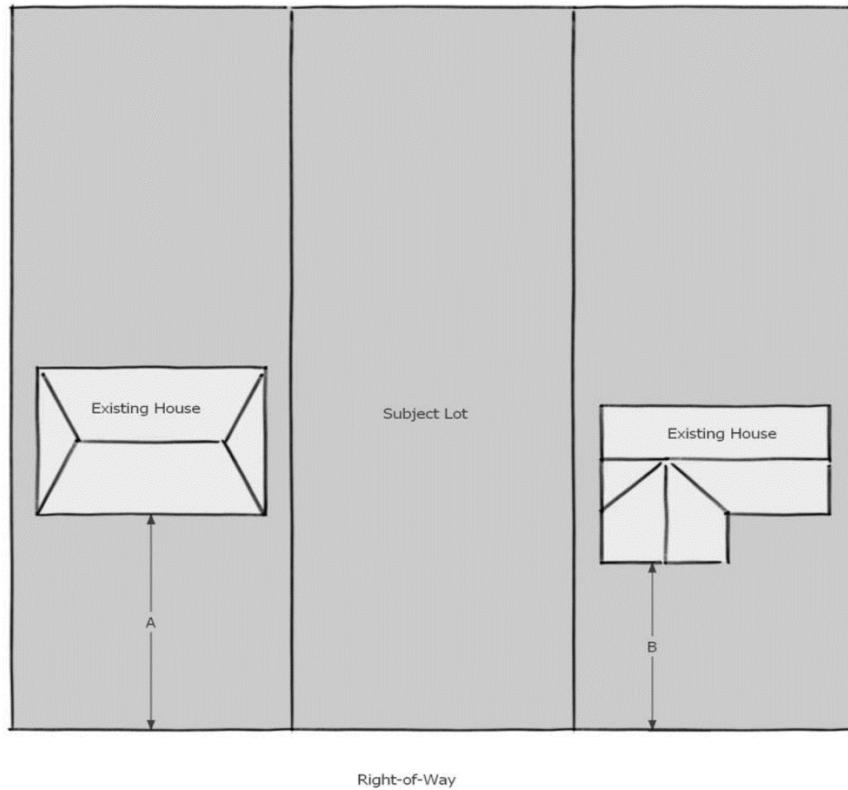


Figure 48-A: Illustration of the averaging of front yard setbacks where the front yard setback for the subject lot is equal to  $(A+B)$  divided by two

- (ii) 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 the distances shown in [Table 48-3](#), beginning from the property line of subject lot, in the same block and along the same block face, as depicted in [Figure 48-B](#) and [Figure 48-C](#).

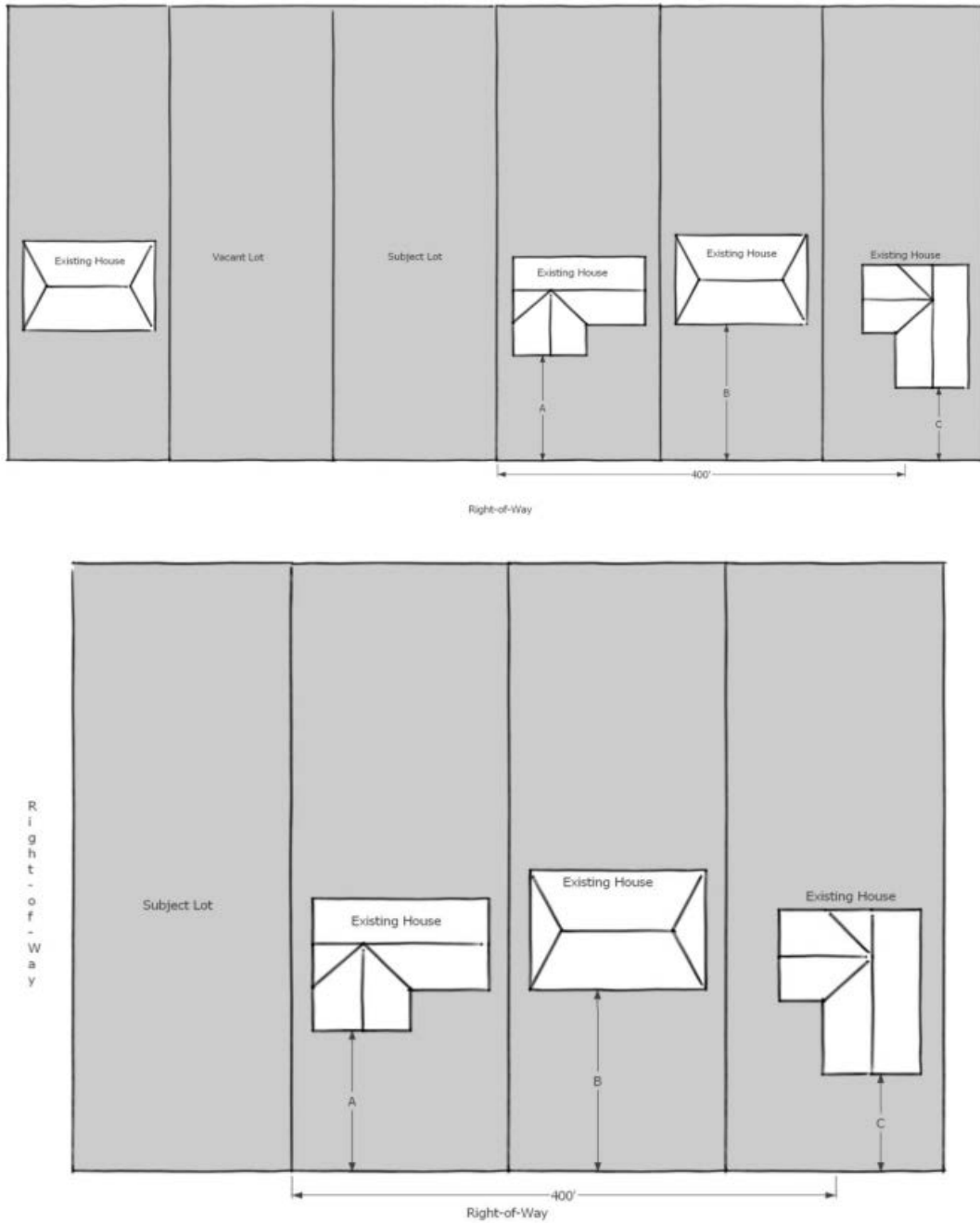
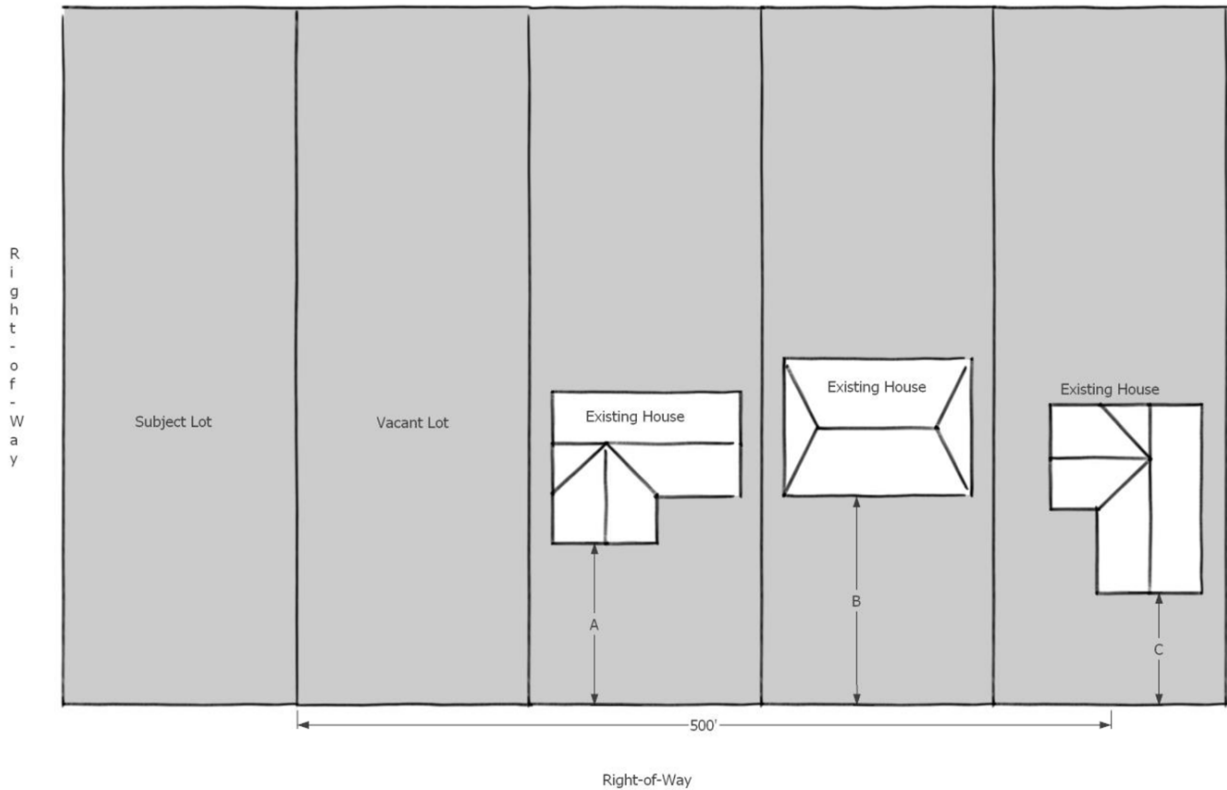


Figure 48-B: Illustration of the averaging of front yard setbacks where the subject lot is adjacent to a street or vacant lot. In this example, the front yard setback for the subject lot will equal  $(A+B+C)$  divided by three

**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*

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

- (iii) The front yard setback for a lot located between two improved lots, where the front yard setback of one of the improved lots exceeds the average front yard setback of all other lots on the same block face by two times or more, shall be determined by calculating the average of all front yard setbacks on the same block face as the subject lot excluding the lot with the enlarged setback. For blocks that are more than 1,000 feet in length, the front yard setback average shall be determined using all lots (or portions thereof) within a distance of 300 feet but not less than three lots in each direction of the subject lot. These calculations shall exclude the lot with the enlarged setback from both the 300 feet distance and minimum number of lots parameters as depicted in [Figure 48-D](#).

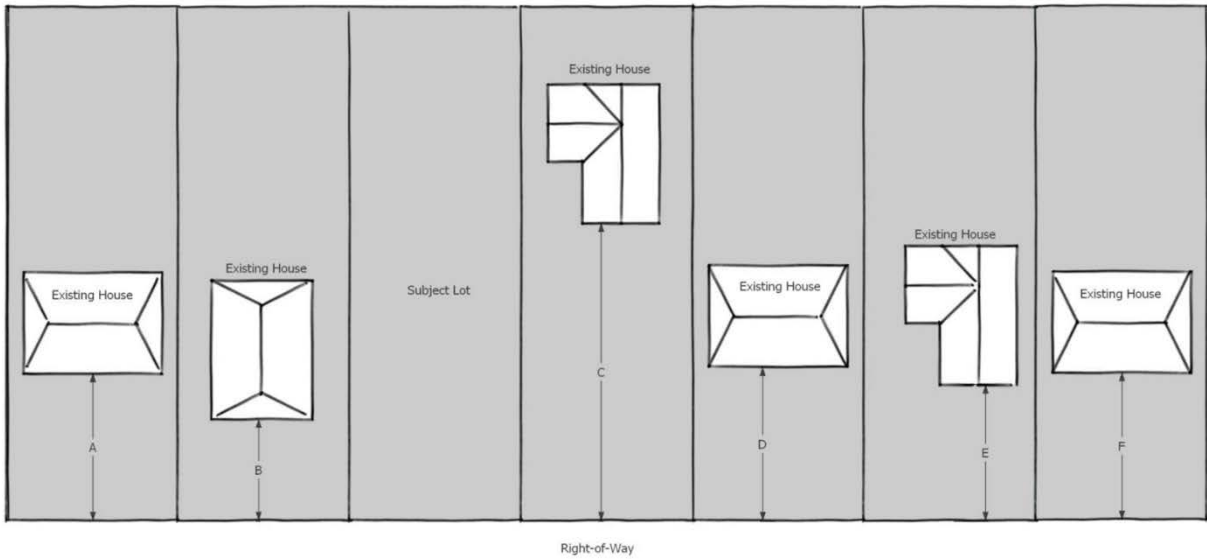


Figure 48-D: Illustration of the averaging of front yard setbacks where one lot exceeds the averaged setback and the block face. In this example, the front yard setback for the subject lot will equal  $(A+B+D+E+F)$  divided by five

**(3) Side Yard Modifications**

When a lot of record having a lot width less than otherwise required by [§ 25-48\(a\)](#) is to be used for a single-family dwelling, the side yard requirements for each side of the building shall meet the standards shown in [Table 48-4](#).

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	5 feet
R-5	5 feet

**NOTES:**  
When side yard modifications listed in this table are utilized, additional restrictions on permitted encroachments apply. See [§ 25-47\(d\)\(7\)](#).



**(c) Height Standards in Residential Zoning Districts**

- (1) [Table 48-5](#) establishes the building height and finished first floor height for buildings in a residential zoning district.

<b>TABLE 48-5: HEIGHT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS</b>		
<b>District/Use</b>	<b>Infill Finished First Floor Height</b>	<b>Maximum Building Height</b>
R-1	None	35 feet or 2.5 stories
R-2	None	35 feet or 2.5 stories
R-3	See <a href="#">§ 25-48(c)(3)(i)</a> .	35 feet or 2.5 stories
R-4	See <a href="#">§ 25-48(c)(3)(i)</a> .	35 feet or 2.5 stories
R-5 Multi-Family, Two-Family, or Row Dwellings	See <a href="#">§ 25-48(c)(3)(ii)</a> .	35 feet or 3 stories
R-5 All Other Uses	See <a href="#">§ 25-48(c)(3)(ii)</a> .	35 feet or 2.5 stories
R-6	None	See <a href="#">§ 25-48(e)(2)</a> .
R-MM	See <a href="#">§ 25-48(c)(3)(i)</a> .	35 feet or 3 stories

**(2) Half-Stories**

- (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) 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 allowed. 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.

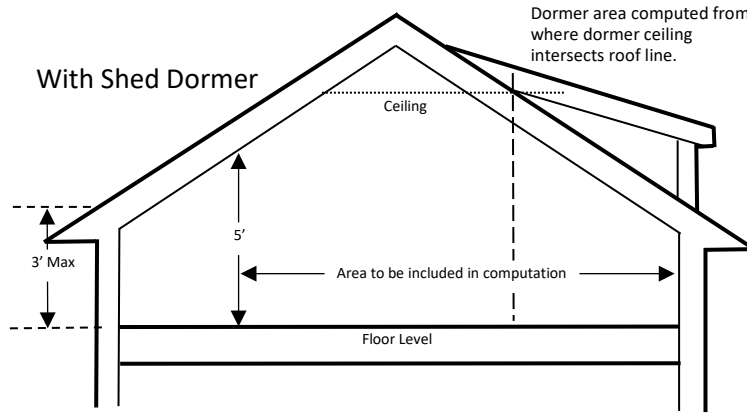


Figure 48-E: Half-story with a shed dormer, including the area to be included in the floor area ratio

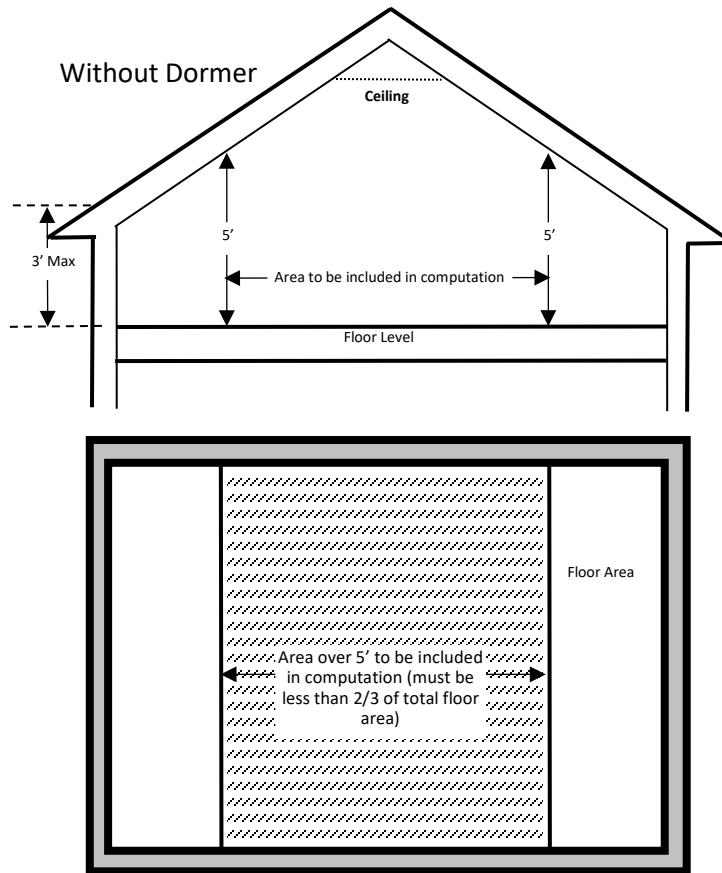


Figure 48-F: Half-story without a dormer, including the area to be included in the floor area ratio

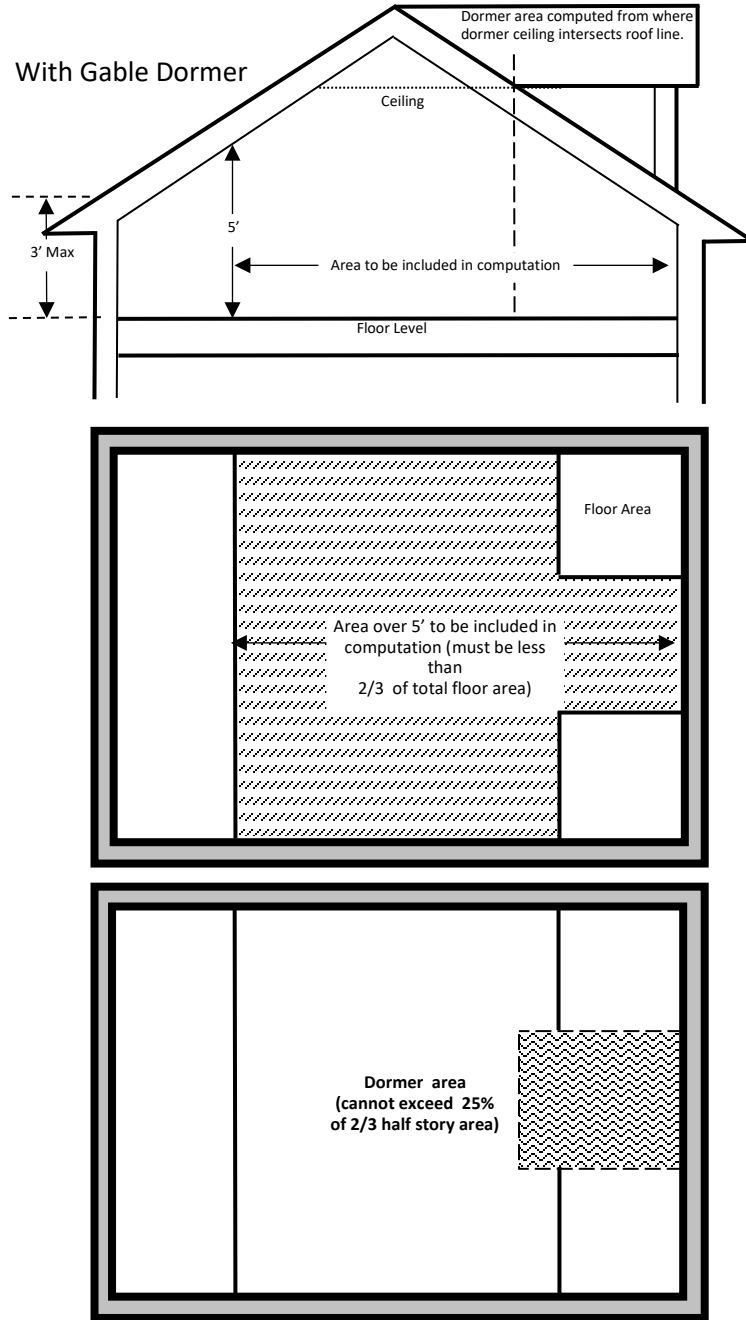


Figure 48-G: Half-story with a gable dormer, including the area to be included in the floor area ratio

**(3) Infill Finished First Floor Height and Grade Adjustment**

The following sections establish the finished first floor height and grade adjustment requirements for infill development which is defined as a block where more than 40 percent of the lots along the same block face are developed.

**(i) In the R-3, R-4, and R-MM Districts:**

- a.** The maximum finished first floor height for new residential structures for an interior lot located between two improved lots shall be determined by averaging the two existing finished floor heights of the structures on either side of the subject lot. Said average shall be determined using the method described for finished first floor heights per [§ 25-46\(m\)](#).
- b.** The maximum finished first floor height for new residential structures 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 existing finished first floor heights of every improved lot within 200 feet, beginning from the property line of subject lot, in the same block and on the same street frontage. For corner lots, the measurement shall be taken along both frontages and the more restrictive of the two averages shall apply.
- c.** When the maximum finished first floor height for a new residential structure is calculated to be less than 24 inches, the maximum finished first floor height for the new residential structure may be set to 24 inches. If the maximum first floor height for the new residential structure would still result in any portion of the new foundation being below the minimum requirements of the adopted Building Code, a grade adjustment of up to 12 inches may be added to the maximum finished first floor height, as determined by the Building Commissioner.

**(ii) In the R-5 District for lots less than 15,000 square feet:**

- a.** The maximum finished first floor height for new structures for an interior lot located between two improved lots shall be determined by averaging the two existing finished first floor heights of the structures on either side of the subject lot.
- b.** The maximum finished first floor height for new structures 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 existing finished first floor heights of every improved lot within 200 feet, beginning from the property line of subject lot, in the same block and on the same street frontage. For corner lots, the measurement shall be taken along both frontages and the more restrictive of the two averages shall apply.

**(d) Lot Coverage**

[Table 48-6](#) establishes the building height and finished first floor height for buildings in a residential zoning district.

<b>TABLE 48-6: LOT COVERAGE FOR RESIDENTIAL ZONING DISTRICTS</b>			
District (Lot Area)	Number of Stories	Lot Coverage (Percent) [1]	Lot Coverage (Square Feet)
		Whichever is greater	
R-1, R-2, R-3, and R-4 (7,500 square feet or less)	Greater than 1 story	30	1,750
	1 story	35	Not Applicable
R-1, R-2, R-3 and R-4	Greater than 1 story	25	2,250

<b>TABLE 48-6: LOT COVERAGE FOR RESIDENTIAL ZONING DISTRICTS</b>			
<b>District (Lot Area)</b>	<b>Number of Stories</b>	<b>Lot Coverage (Percent) [1]</b>	<b>Lot Coverage (Square Feet)</b>
		<b>Whichever is greater</b>	
(More than 7,500 square feet)	1 story	30	2,625
R-MM	Not Applicable	40	Not Applicable
R-5 District	Not Applicable	40	Not Applicable

**NOTES:**  
 [1] Single-family dwellings in the R-5 and R-MM Districts shall be subject to the maximum lot coverage based on lot area as established for the R-1, R-2, R-3, and R-4 Districts and not the R-5 and R-MM District maximums of 40 percent.

**(e) Floor Area Ratio**

- (1) [Table 48-7](#) establishes the maximum floor area ratio for single-family dwellings in a residential zoning district.

<b>TABLE 48-7: FLOOR AREA RATIO FOR SINGLE FAMILY DWELLINGS IN RESIDENTIAL ZONING DISTRICTS [1]</b>		
<b>Lot Area or District (Square Feet)</b>	<b>Ratio</b>	<b>Square Feet</b>
	<b>Whichever is greater</b>	
10,000 or less	0.35	2,250
More than 10,000 but less than 20,000	0.30	3,500
20,000 or more	0.25	6,000

**NOTES:**  
 [1] See [§ 25-48\(e\)\(2\)](#) for restrictions in R-6 Planned Development Districts.

**(2) Floor Area Ratio and Height for R-6 Planned Development Districts**

There shall be a maximum floor area ratio of 1.5 in the R-6 District except that where the building is set back from one or more of the required yard setback lines, the floor area of such building may be increased by one square foot for each one square foot of area left open within the portion of the lot bounded by the required front, side, and rear yard setbacks specified in [Table 48-2](#) provided that in no event shall a building exceed 12 stories or 125 feet in height, above grade.

**(f) Garage Design and Setback in Residential Districts**

- (1) This section applies only to attached residential garages that have the vehicle entry facing the street; however, this shall only be the frontage of least dimension for corner lots.
- (2) For the purposes of this subsection, on a corner lot, the front yard shall only be the frontage of least dimension.

- (i) The width of an attached garage with an entrance facing the front yard shall not exceed 55 percent of the overall width of the façade of the principal structure (inclusive of the garage.).
- (ii) Only one sidewall of the residential portion of the structure shall extend beyond the sidewall of the attached garage.
- (iii) The front facade of an attached garage shall not project beyond the facade of the residential portion of the house unless the garage is adjacent to a porch, in which case it may project up to 8 feet.

**(g) Number of Principal Buildings on a Lot with a Single-Family Dwelling**

There shall be no more than one principal building on any lot in a single-family residential district or on a lot that contains a single-family dwelling.

**(h) Minimum Distance between Principal Buildings**

In the R-5 District, where more than one multi-family dwelling building or row dwelling building is erected on a single lot, the minimum distance between principal buildings shall be as established in [Table 48-8](#).

TABLE 48-8: DISTANCE BETWEEN PRINCIPAL BUILDINGS IN THE R-5 DISTRICT			
Building Façade	Front (Feet)	Side (Feet)	Rear (Feet)
Front	50 plus an additional 10 for each building more than 2 stories	30	70
Side	30	20	30
Rear	70	30	50

§ 25-49. Site Development Standards for Nonresidential Zoning Districts. This section, including accompanying tables, establishes the minimum site development standards for all nonresidential zoning districts.

**(a) Applicability**

The standards in this section apply to all nonresidential lots. Additional and/or modified standards for those properties which lie within the study area of the 2018 Downtown Master Plan and Parking Study (herein after referred to as the Downtown Master Plan Study Area), can be found in [§ 25-50](#).

**(b) Height and Floor Area Ratio for Nonresidential Districts**

- (1) [Table 49-1](#) establishes the maximum building height and floor area ratio for buildings in nonresidential zoning districts.

TABLE 49-1: HEIGHT AND FLOOR AREA RATIO FOR NONRESIDENTIAL ZONING DISTRICTS		
District	Maximum Building Height	Floor Area Ratio
B-1	25 feet or 2 stories	None
B-2	40 feet See <a href="#">§ 25-49(b)(2)</a> for height standards for mixed-use developments.	2.5
B-3	None	2.0
B-4	None	2.5

TABLE 49-1: HEIGHT AND FLOOR AREA RATIO FOR NONRESIDENTIAL ZONING DISTRICTS		
District	Maximum Building Height	Floor Area Ratio
B-5	None	None
I-1	35 feet or 3 stories [1]	None

**NOTES:**  
 [1] For exceptions to height in the industrial district, please see [§ 25-49\(b\)\(3\)](#).

**(2) Height for Mixed-Use Development**

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.

**(3) Exceptions for Height in Industrial District**

The following may be permitted to exceed maximum heights listed for the I-1 District only upon approval of a special use permit:

- (i) Chimneys, cooling towers, elevator bulkheads, stacks, tanks, or other necessary mechanical appurtenances, extending not more than 20 feet above the roofline of a structure;
- (ii) Monuments, ornamental towers, or spires, extending not more than 80 feet above grade; and
- (iii) Mixing plants/towers extending not more than 35 feet above grade.

**(c) Setbacks in Nonresidential Districts**

This section establishes the yard setback requirements, and exceptions, for nonresidential districts.

**(1) Setbacks for the B-1 District**

**(i) Front Yard Setback**

- a. All buildings and structures shall be set back a minimum of 35 feet from the front lot line.
- b. On a block where more than 40 percent of the lots along the same block face are developed, the depth of the front yard setback shall be adjusted as per [§ 25-49\(c\)\(7\)](#).

**(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 20 feet from the rear lot line.

**(4) Setbacks for the B-4 District**

- (i) On sites greater than 65,340 square feet, all structures except for that portion built entirely below grade with no exposed wall, shall be set back a minimum 50 feet from the front, side, and rear lot lines. However, a structure four stories or less in height may be built to within 40 feet of the front lot line and within 25 feet of the side and rear lot lines if the development plan for such structure is approved by the City Council.



- (ii) On sites of 65,340 square feet or less, the building setbacks specified in [§ 25-49\(c\)\(4\)\(i\)](#) above may be modified subject to review by the Planning and Zoning Commission and approval by the City Council as part of a development plan.

**(5) Setbacks for the B-5 District**

- (i) A structure, except for that portion built entirely below grade with no exposed wall, shall be set back a minimum of 50 feet from the front, side, and rear lot lines, except that a structure four stories or less in height may be built to within 40 feet of the front lot line and within 25 feet of the side and rear lot lines if the development plan of such structure is approved by the City Council. Such requirements shall apply to the entire B-5 lot as a whole and shall not apply to subdivided lots or smaller lots comprising less than the entire approved B-5 development plan lot.
- (ii) Modifications to the setback requirements may be reviewed by the Planning and Zoning Commission and approved by the City Council as part of a development plan.

**(6) Setbacks for the I-1 District**

**(i) Front Yard**

- a. All structures shall be set back a minimum of 35 feet from the front lot line.
- b. No front yard setback shall be required for those portions of lots which adjoin railroad rights-of-way.
- c. On a block with more than 40 percent of the lots along the same block face are developed, the depth of the front yard setback shall be adjusted in accordance with [§ 25-49\(c\)\(7\)](#).

**(ii) Side Yard**

- a. All buildings and structures shall be set back a minimum of 15 feet from all side lot lines.
- b. All buildings and structures on lots adjacent to residential districts shall be set back a minimum of 35 feet from side lot lines adjacent to such residential districts.
- c. No side yard setback shall be required for those portions of lots that are adjacent to railroad rights-of-way.

**(iii) Rear Yard**

- a. All buildings and structures shall be set back a minimum of 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](#).

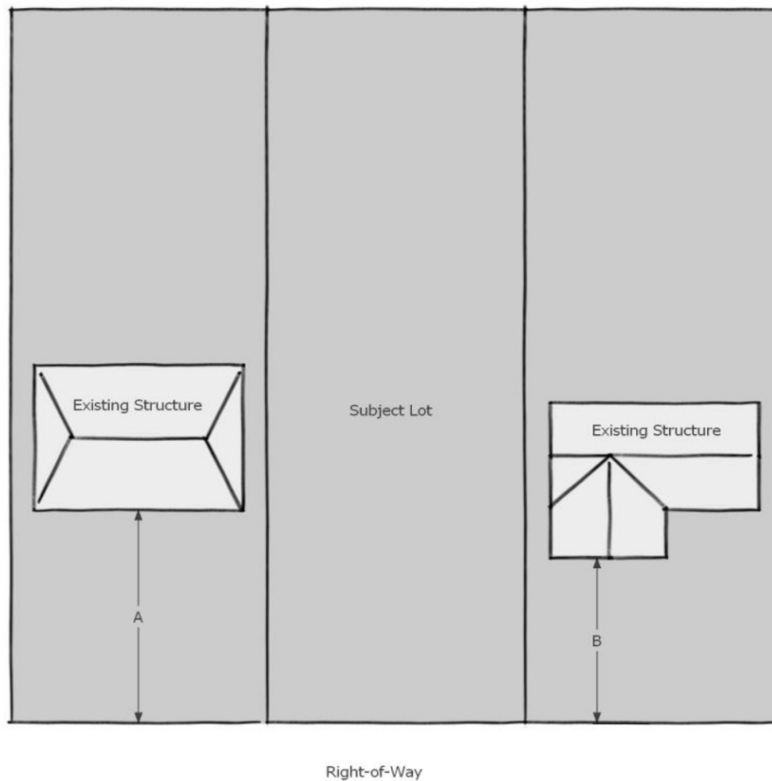


Figure 49-A: Illustration of the averaging of front yard setbacks where the front yard setback for the subject lot is equal to  $(A+B)$  divided by two

- 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](#).

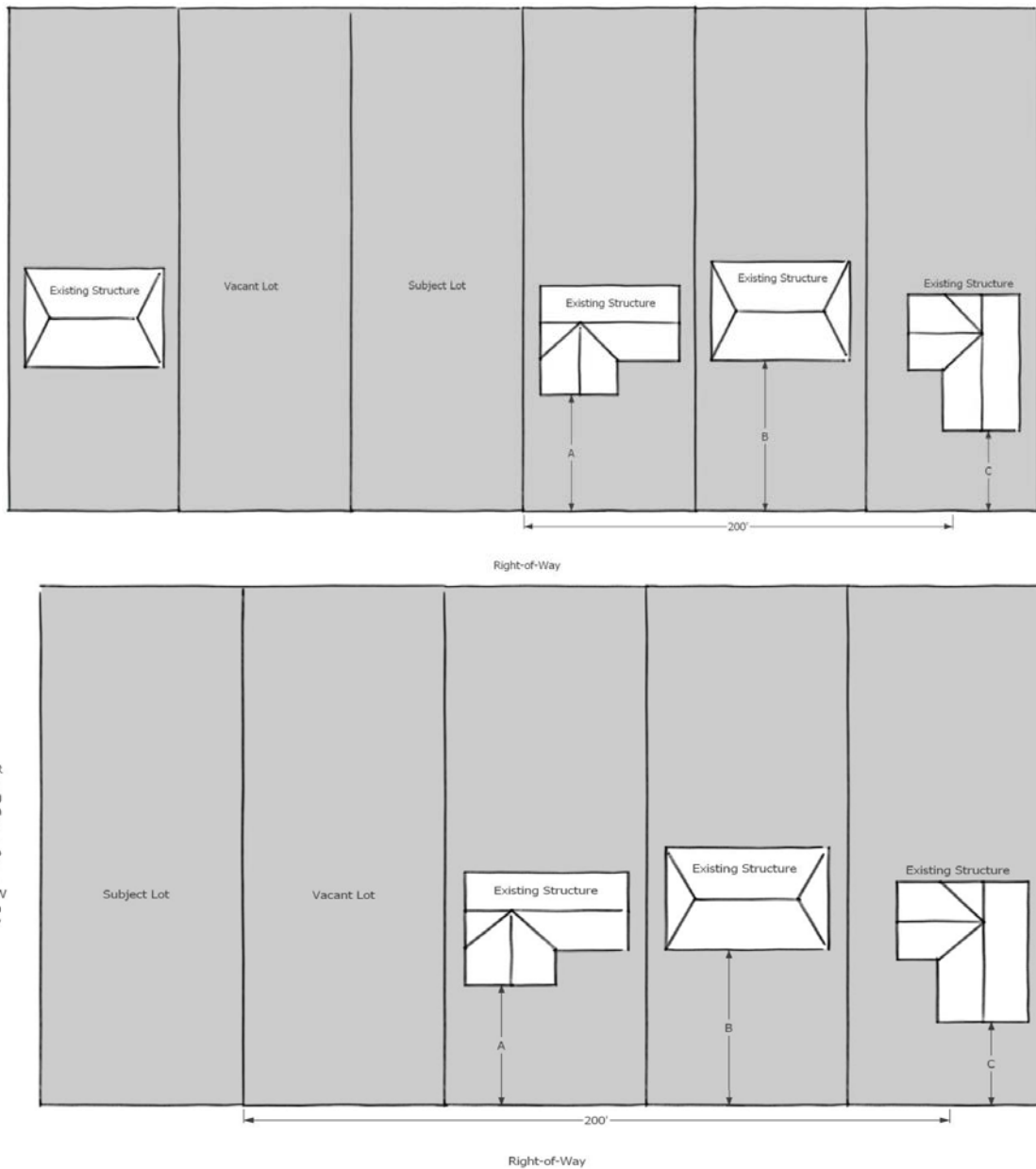


Figure 49-B: Illustration of the averaging of front yard setbacks where the subject lot is adjacent to a street or vacant lot. In the above examples, the front yard setback for the subject lot will equal  $(A+B+C)$  divided by three

- c. When nonconforming setbacks are considered as the required setbacks, restrictions on permitted encroachments apply. See [§ 25-47\(d\)\(7\)\(i\)](#).
- (ii) In the B-1 District, when lots or tracts of land within this district are adjacent to and adjoining lots in a residential district, all having the same street frontage, the minimum front yard setback shall be the same as that required in the adjacent residential district.

**(d) Minimum Lot Area and Minimum Lot Width**

- (1) In the B-3 District, the minimum lot area shall be 10,000 square feet and the minimum lot width shall be 80 feet, except as otherwise required herein.

**Article VI: General Development Standards**

*§ 25-50: Additional and/or Modified Site Development Standards for Properties Within the Downtown Master Plan Study Area.*

- (2) In the B-5 District, the minimum lot area is 2.5 acres.
- (3) Unless otherwise stipulated in [§ 25-49\(d\)](#) or use-specific regulations established in [§ 25-36](#), there shall be no minimum lot areas or widths for nonresidential districts.

**(e) Number of Buildings on a Lot**

- (1) More than one nonresidential structure may be erected upon a single lot, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such structure, nor shall there be any change in the intensity of use requirements.
- (2) In the B-4 and B-5 Districts, the yard and open spaces required shall not apply to subdivided lots or smaller lots comprising of less than the entire approved development plan lot.

§ 25-50. Additional and/or Modified Site Development Standards for Properties Within the Downtown Master Plan Study Area.

(a) This section, including accompanying tables, establishes additional and/or modified site development standards for nonresidential zoning districts that lie within the Downtown Master Plan Study Area.

(b) References to Phase 1 and Phase 2 Streets are those identified in the Thoroughfare Hierarchy Map located in said plan.

(c) The development standards listed in [§ 25-49](#) apply unless specifically modified in this section.

**(d) Front Yard Setbacks**

- (1) [Table 50-1](#) establishes the minimum and maximum front yard setbacks for nonresidential zoning districts in the Downtown Master Plan Study Area.
- (2) The front yard setback requirements shall not preclude other requirements in this code, including, but not limited to, pedestrian accommodation and landscaping requirements.

<b>TABLE 50-1: FRONT YARD SETBACKS FOR NONRESIDENTIAL ZONING DISTRICTS WITHIN THE DOWNTOWN MASTER PLAN STUDY AREA</b>				
<b>District</b>	<b>Phase 1 Street (Feet)</b>		<b>Phase 2 Street (Feet)</b>	
	<b>Minimum</b>	<b>Maximum</b>	<b>Minimum</b>	<b>Maximum</b>
B-1	0	20	0	51
B-2	0	20	0	51
B-3	No modifications			
B-4	0	20	0	51
B-5	0	20	0	51
I-1	0	20	0	51

**(e) Street Frontage Occupation**

- (1) On a Phase 1 Street, a minimum street frontage occupation requirement of 90 percent shall be provided.

- (2) 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 requirements 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.

§ 25-51. Energy Generation Devices.

**(a) Purpose**

This section promotes the safe, effective, and efficient use of solar energy systems and small wind energy systems installed to reduce the on-site consumption of energy supplied by public utilities while protecting the health, safety, and welfare of adjacent and surrounding land uses. Both solar energy systems and small wind energy systems are permitted as accessory uses as prescribed in each zoning district. These systems may be used to provide supplemental energy to the site on which they are installed or to sell to a utility company only. In no district shall solar energy systems and small wind energy systems be permitted as a principal use on a lot.

**(b) Applicability**

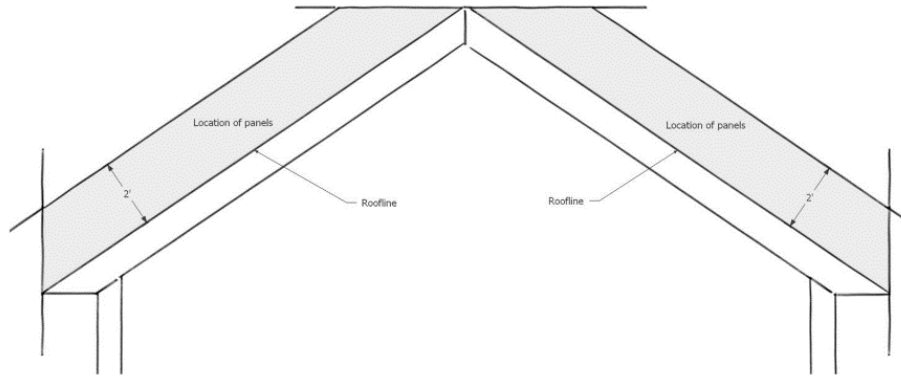
This section applies to all solar energy systems and small wind energy systems installed within the City of Kirkwood after the effective date of this code. Any upgrades, modifications, or changes that materially alter the size or placement of an existing solar energy system or small wind energy system shall comply with the provisions of this section.

**(c) Solar Energy Systems**

Solar energy systems shall be installed and maintained in conformance with the following requirements as well as all other applicable codes and ordinances.

**(1) Roof-Mounted Solar Energy Systems**

- (i) All solar energy systems that are mounted on the roof of an existing or proposed structure shall not exceed the maximum allowable height for the structure on which it is mounted within the zoning district which it is located.
- (ii) All solar energy systems shall be mounted within two feet of the roofline and shall not project beyond the peak or edge of the roofline when mounted on a sloping roof as depicted in [Figure 51-A](#).



*Figure 51-A: Mounting location on sloped roofs*

- (iii) All solar energy systems mounted on flat roofs shall not exceed a height of five feet above the roofline and shall be screened from view from the right-of-way by a parapet or setback from the horizontal edge of the roofline a minimum of 10 feet as depicted in [Figure 51-B](#).

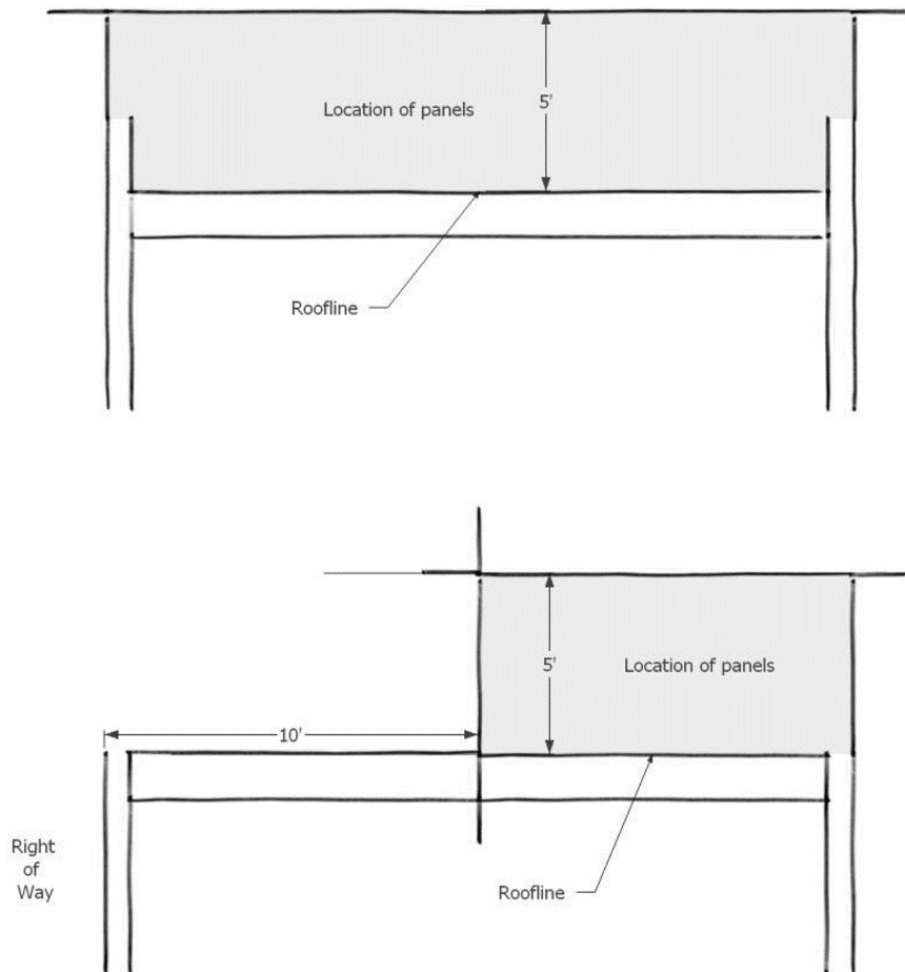


Figure 51-B: Mounting location on flat roofs

**(2) Freestanding Solar Energy Systems**

- (i) All freestanding solar energy systems shall meet the side and rear yard setbacks that are required for the principal building in the applicable zoning district.
  - (ii) In no case shall freestanding solar energy systems be located within a required front yard or in front of the principal building on the lot.
  - (iii) Freestanding solar energy systems shall not exceed the height of the principal building on the same lot or shall not exceed 16 feet in height, whichever is less.
  - (iv) All exterior electrical and/or plumbing lines shall be buried below the surface of the ground.
- (3)** Awning solar energy systems may be installed on the front, side, or rear of a principal or accessory structure when the awnings meet the required setback for architectural features in the applicable zoning district.
- (4)** Solar energy systems may be installed on the side or rear of a principal or accessory structure when mounted within two inches and flush against the outside wall subject to [§ 25-51\(c\)\(2\)](#).

- (5) To accommodate for emerging solar energy systems which may not be developed at the time of adoption of this code, the Director of Public Services may approve additional systems not mentioned herein when the applicant can prove that the system is in conformance with the spirit and intent of this code and does not negatively affect the health, safety, and welfare of the public.
- (6) All solar energy systems shall be designed and located in order to prevent reflective glare toward any structure on adjacent properties as well as adjacent street rights-of-way.
- (7) Any and all nonfunctioning and/or damaged solar panels or equipment shall be dismantled and removed. If nonfunctioning and/or damaged solar panels or equipment are not dismantled and removed, it shall be considered to be a violation in accordance with [Article XIII: Enforcement and Penalties](#).

**(d) Small Wind Energy Systems**

Small wind energy systems shall be installed and maintained in conformance with the following requirements as well as all other applicable codes and ordinances.

**(1) Roof-Mounted Small Wind Energy Systems**

All small wind energy systems that are mounted on the roof of an existing or proposed structure shall not exceed the maximum allowable height for the structure on which it is mounted within the applicable zoning district.

**(2) Freestanding Small Wind Energy Systems**

- (i) Small wind energy systems shall only be installed on lots with a minimum lot area of three acres or more.
  - (ii) All freestanding small wind energy systems shall be set back a distance equal to its total height from all lot lines and any overhead utility lines. For the purpose of this subsection, the term "total height" shall mean the vertical distance from finished grade to the tip of the wind generator blade when the tip is at its highest point.
  - (iii) Freestanding small wind energy systems shall not exceed 35 feet in total height.
  - (iv) In no case shall freestanding small wind energy systems be located within a required front yard or in front of the principal building on the same lot.
  - (v) All exterior electrical lines shall be buried below the surface of the ground.
- (3) There shall be no artificial illumination of small wind energy systems unless such lighting is required by the Federal Aviation Administration.
  - (4) All signs, other than the manufacturer's identification and appropriate warning signs, shall be prohibited on small wind energy systems.
  - (5) Any and all nonfunctioning and/or damaged small wind energy systems or equipment shall be dismantled and removed. If nonfunctioning and/or damaged small wind energy systems or equipment are not dismantled and removed it shall be considered to be a violation in accordance with [Article XIII: Enforcement and Penalties](#).



§ 25-52. Outdoor Lighting.

**(a) Purpose**

This section provides development standards intended to strike a balance of safety and aesthetics by providing lighting regulations that protect drivers and pedestrians from glare and reduce, to reasonable limits, the trespass of artificial lighting onto neighboring properties and public or private rights-of-way.

**(b) Applicability**

The following lighting regulations apply to all new outdoor lighting fixtures or the replacement of existing outdoor lighting fixtures within the City of Kirkwood unless specifically listed in [§ 25-52\(c\)](#).

- (1) Any new building or addition equal to or greater than 50 percent of the square footage of the original structure's footprint or renovation equal to or greater than 50 percent of the appraised value of the improvements on the property as determined by the St. Louis County Assessor's Office shall require the entire site to comply with the requirements of this section. If the development includes more than one lot, this section shall apply to each lot individually and not the development as a whole.
- (2) Outdoor lighting shall include all exterior lighting, including lights mounted onto a building or structure.

**(c) Exemptions**

The following shall be exempt from the regulations of this section:

- (1) Lighting required by the FAA for air traffic control and warning purposes;
- (2) Flagpole vertical uplighting;
- (3) Lighting in the public or private right-of-way installed by a governmental agency for traffic control;
- (4) Lighting installed by a governmental agency for the health, safety, and welfare of the public;
- (5) Electronic or backlit signage (all signage is subject to Chapter 5, Article II of the Municipal Code);
- (6) Temporary lighting as part of an approved temporary outdoor use;
- (7) Temporary lighting for emergency repair; and
- (8) Lighting for single-family dwellings and their accessory structures.

**(d) General Standards**

**(1) Submittal Requirements**

All applications that are subject to the requirements of this section shall submit a lighting plan in conjunction with the applicable site plan, special use permit, development plan, or building permit application, whichever comes first. The lighting plan shall be signed and sealed by a registered design professional and include the following:

- (i) Plans indicating the location and type of all illuminating devices, fixtures, lamps, and supports on the premises;
- (ii) Description of the illuminating devices, fixtures, lamps, supports, and other devices, including, but not limited to, catalog cut sheets by manufacturers and drawings; and

- (iii) Photometric plan indicating the point-by-point footcandle layout of a lot extending a minimum of 10 feet beyond all lot lines or until lighting levels in compliance with this section are indicated.

**(2) Pole-Mounted Fixtures**

- (i) Pole-mounted lighting fixtures located equal to or less than 20 feet from a lot line shall not exceed 16 feet in height, measured from the finished grade to the top of the fixture. The height of any pedestals upon which pole fixtures are placed shall be included in the overall height measurement.
- (ii) Pole-mounted lighting fixtures located greater than 20 feet from a lot line shall not exceed 24 feet in height, measured from the finished grade to the top of the fixture. The height of any pedestals upon which pole fixtures are placed shall be included in the overall height measurement.
- (iii) Pole-mounted lighting fixtures for outdoor performance areas, sport and recreation facilities, and playfields shall not exceed 80 feet in height, measured from the finished grade to the top of the fixture. The height of any pedestals upon which pole fixtures are placed shall be included in the overall height measurement.

**(3) Canopies**

Canopies including, but not limited to, service stations and convenience stores, over store and office fronts, marquees and projecting overhangs, exterior over driveways and building entrances, and pavilions and gazebos, shall provide recessed fixtures that incorporate a lens cover that is either recessed or flush with the bottom surface of the canopy or a surface-mounted fixture incorporating a flat glass that provides full cutoff. See [Figure 52-A](#) for an illustration of cutoff lighting fixtures.

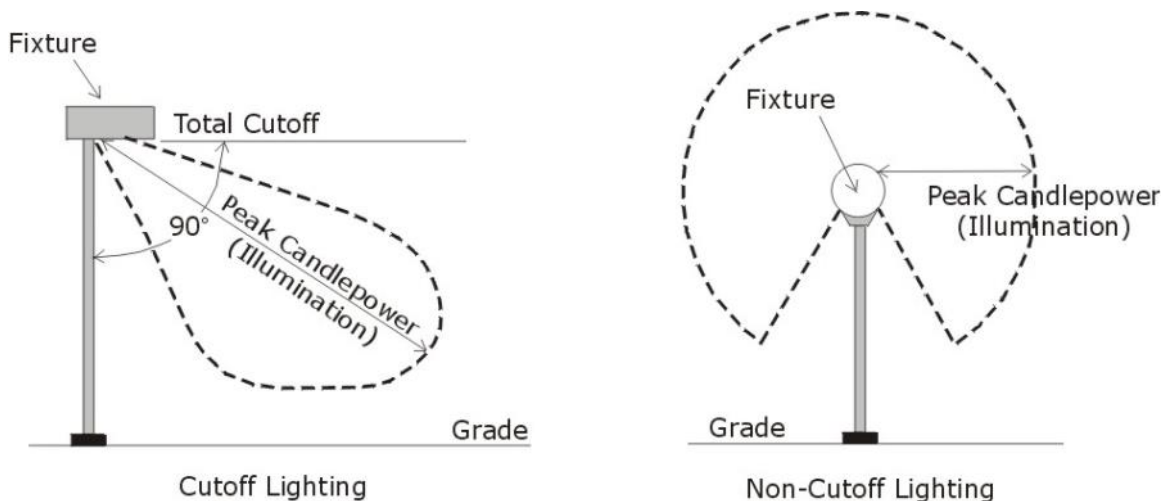


Figure 52-A: Cutoff lighting fixtures (left) versus non-cutoff lighting fixtures (right).

- (4) Except for outdoor performance areas, sport and recreation facilities, and playfields, all lighting fixtures installed shall be at a minimum full cutoff where no light is permitted at or above a horizontal plane at the bottom of the fixture.
- (5) Where topographical issues exist, which may cause light to cast on neighboring properties, additional shielding requirements may be required.

- (6) The Planning and Zoning Commission or City Council may require lighting to be dimmed or connected to a motion detector during certain hours of the day depending on the proposed use and adjacent uses.
- (7) Lighting intended to illuminate building elevations and landscaping shall shine directly onto the intended surface.
- (8) Minimum illumination levels shall be maintained in accordance with [§ 25-52\(e\)](#).
- (9) Prior to the issuance of an occupancy permit, an as-built photometric plan signed and sealed by a registered design professional shall be submitted to the Director of Public Services for verification of compliance with the approved lighting plan.
- (10) All lighting fixtures shall be installed and maintained in conformance with the approved lighting plan.

**(e) Illumination Levels**

The illumination of lots shall be in compliance with the following standards:

**(1) Minimum Illumination Levels**

- (i) The average illumination level for parking lots shall be a minimum of 1.0 footcandles at finished grade.
- (ii) The average illumination for pedestrian routes, refuge areas, sidewalks, etc. shall be a minimum of 2.0 footcandles at finished grade.

**(2) Maximum Illumination levels**

- (i) The maximum level of light cast off site shall be less than or equal to 0.5 footcandles at finished grade unless otherwise specified herein.
- (ii) The maximum illumination level of light cast off site onto properties with single-family residential uses shall be less than or equal to 0.1 footcandles at finished grade.
- (iii) The maximum illumination level under canopies shall be less than or equal to 42 footcandles at finished grade.

**§ 25-53. Dumpster and Trash Receptacle Enclosure Areas.**

All outside storage areas for the storage of trash and/or recyclables shall be screened. Trash dumpster screening shall be constructed of a sight proof fence that complements the principal building or a wall of similar material as the main building and not less than six feet in height with latching gates of similar or complementary materials to completely enclose the trash dumpster.

## Article VII: Architectural Guidelines

### § 25-54. Introduction to Guidelines.

**(a) Purpose**

The built environment impacts how existing and potential residents, visitors, and businesses perceive and experience Kirkwood's community character. It also impacts the quality of life of our residents, particularly those that live in direct proximity to the development. Therefore, it is important that the size, location, and design of new development fits the desired neighborhood character, scale, activity, and function. These guidelines exist to ensure that new development is consistent with the community's existing image and preferred character.

**(b) Applicability**

- (1) All new construction, reconstruction, exterior renovations, or additions shall be subject to this article unless otherwise stated.
- (2) Properties or structures within a locally designated historic district, or those designated as a local historic landmark, are subject [§ 25-21](#) and to the additional review required in [§ 25-21\(c\)\(3\)\(vi\)](#).
- (3) The activities listed in paragraph [§ 25-21\(b\)\(5\)](#) are exempt from these architectural guidelines.

**(c) Conformance to the Code**

When constructing a building or structure, the design must comply with all of the requirements of this code, including height, setback and size, and the design must consider the neighborhood context as set forth in this article.

**(d) Goals and Objectives**

To achieve the preferred character of development, designers and builders need to incorporate the following goals and objectives set forth herein into their developments, additions, and renovation projects:

- (1) Protect and enhance the community's overall image and character by:
  - (i) Creating elegant and lush streetscapes;
  - (ii) Forming a cohesive neighborhood scale; and
  - (iii) Utilizing high-quality architecture and high-quality materials.
- (2) Respect the neighbors' quality of life by:
  - (i) Complimentary design related to the character of the existing neighborhood;
  - (ii) Building to a neighborly sense of scale; and
  - (iii) Protecting and forming a cohesive landscape.

**(e) Design Principles**

Because it is possible to follow all of the individual guidelines contained herein and still assemble the design in a way that does not achieve the goals and objectives, designers and builders need to incorporate a design that is compatible within the character of other development along the same block face. Accordingly, a system for guiding the design of homes and commercial developments has been developed that allows for flexibility while also protecting the essence of what makes Kirkwood's neighborhoods special. At the core of this system is the use of the following project element classifications:

**(1) Preferred**

Preferred elements are those the City finds to be highly compatible with and contributing to the existing character and quality of life. Appropriately incorporating these elements into a project significantly increases the likelihood that the project will be viewed favorably by the Architectural Review Board.

**(2) Discouraged**

**(i)** Discouraged elements are those the City finds to be potentially incompatible with and detracting from the existing character and quality of life. Incorporating discouraged elements into a project decreases the likelihood that the project will be viewed favorably.

**(ii)** Because discouraged elements have the potential to be disruptive to the existing character of a neighborhood, applicants shall demonstrate how their use in the context of their total project design is consistent with:

- a.** The existing character of Kirkwood's neighborhoods and business districts;
- b.** The preferred character of infill development;
- c.** The goals and objectives set forth herein;
- d.** The overview and purpose for the particular element;
- e.** The general architectural style/design of the structure; and
- f.** The use of all other elements on the structure or site.

**(3) Exceptions**

The specific character of individual neighborhoods and business districts varies widely throughout the City. Design guidelines for various project elements are presented generally, but certain exceptions may be allowed based on the character and design of existing homes and businesses within the neighborhood context when said existing character matches the desired character.

**(f) Similar Elements**

Because the number and types of building products are virtually infinite and ever changing, the project elements described herein are those most commonly used. Thus, the elements classified as being preferred or discouraged are not intended to be an all-inclusive list. In those instances where a proposed element is not listed, the Architectural Review Board shall determine whether the particular element is substantially similar to any of those that are listed and classify it accordingly. In making such a determination, the Architectural Review Board shall consider similarities in terms of:

- (1)** Finished appearance;
- (2)** Quality of construction;
- (3)** Durability;
- (4)** Consistency with the overview and purpose statement associated with the element; and
- (5)** Consistency with the preferred character of infill development.

**(g) Undefined Elements**

All design elements not identified as "preferred" should be discussed with the Architectural Review Board at the early design phase meeting. This may include elements that could be considered as a "discouraged" design element or one that has not been defined within these guidelines.

§ 25-55. Residential Design Guidelines.

**(a) Building Form, Articulation, and Roofs**

Houses are shaped and articulated by roof form, the number and placement of rooflines, the shape and proportion of building masses/features, the configuration of exterior walls, and the character of these elements. These design elements influence the perception of a home's scale, its stylistic character and the fit with its neighbors, and should be consistent with the desired character along the same block face as proposed development. To be consistent with the preferred character along the same block face, houses should present a simple overall building form (see [Figure 55-A.](#)) and roof geometry in harmony with its neighbors (houses of a mature suburb rather than a new one). Exterior walls should be articulated, though neither monotonous nor consisting of overly complex façade treatments. Further, the building form and articulation should be based on an authentic architectural style.



*Figure 55-A: Illustrative example of a simple building form*

**(1) Preferred**

- (i)** Gabled and hipped roofs when a predominant roof style is either gabled or hipped. See [Figure 55-B](#) for diagram of different roof styles.

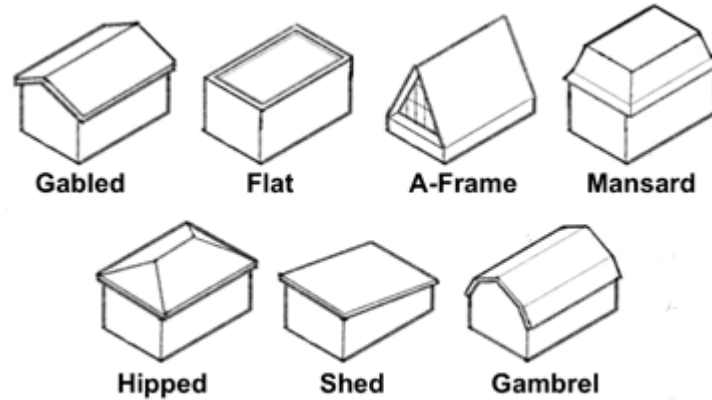


Figure 55-B: Examples of different roof styles

- (ii) Symmetrical pitches
- (iii) Rectangular configured floor plans
- (iv) Vertical building volumes (if incorporated) appear secondary to the primary building volume and of less than one-third of the area of the front façade
- (v) Dormers (if incorporated) integrated with building rhythm
- (vi) Sustainable roofing materials, such as clay tile, slate, wood shake and recycled synthetic tiles
- (vii) Long, uninterrupted façades should be articulated by the use of architectural elements, such as recesses, bays, projections, or changes of wall plane. Said facade articulations should correspond to roof articulation when possible.

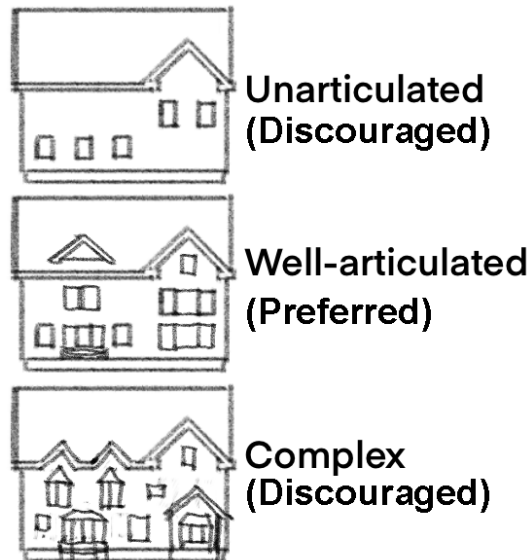


Figure 55-C: Illustrative examples of different styles of building articulation.

**(2) Discouraged**

- (i) Substantial wall or roof areas without sufficient articulation, fenestration, or other architectural details
- (ii) Primary roof pitch less than 4:12 or more than 12:12 and outside of 4:12 of the contextual average roof pitch as illustrated in [Figure 55-D](#)

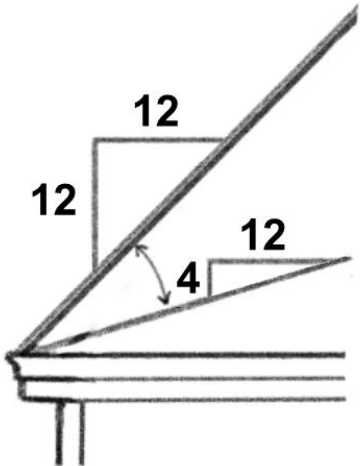


Figure 55-D: Illustration of rood pitch

- (iii) More than three rooflines or eave lines on the front façade as illustrated in [Figure 55-E](#)



Figure 55-E: Illustrative example of preferred (top) and discourage (bottom) roof and eave lines

- (iv) More than three wall planes creating multi-layer setbacks on the front façade as illustrated in [Figure 55-F](#)



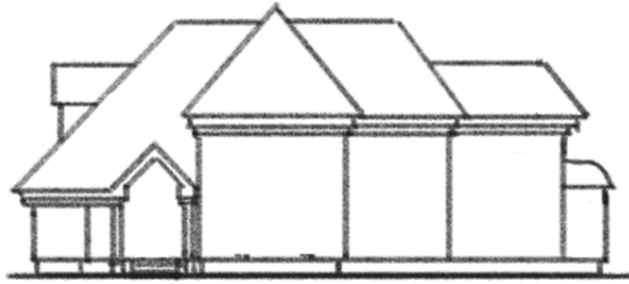
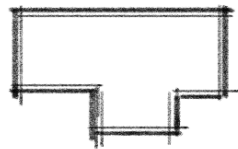
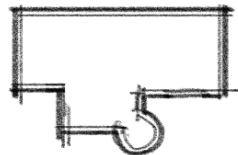


Figure 55-F: Multi-layer setbacks

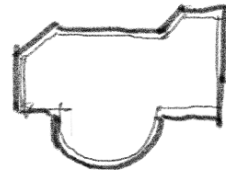
- (v) Angular (angles other than 90°) or curved walls, in plan or elevation, as a dominant or repetitive feature



**Rectangular Form  
(Preferred)**



**Rectangular Form  
with feature  
(Preferred)**



**Angular & Curved  
(Discouraged)**

Figure 55-G: Illustrative example of preferred and discouraged walls.

**(3) Exceptions**

- (i) Shed and flat roof styles are allowed as primary roofs when they are a predominant roof style of the site context.
- (ii) For houses with pitched roofs over the main portion of the structure, flat roofs are allowed as a part of a truncated hip roof configuration if not visible from street and less than 20 percent of total roof area (orthographic measurement). See [Figure 55-H](#).
- (iii) For houses with pitched roofs over the main portion of the structure, flat roofs are allowed over minor building volumes and features. See [Figure 55-H](#).

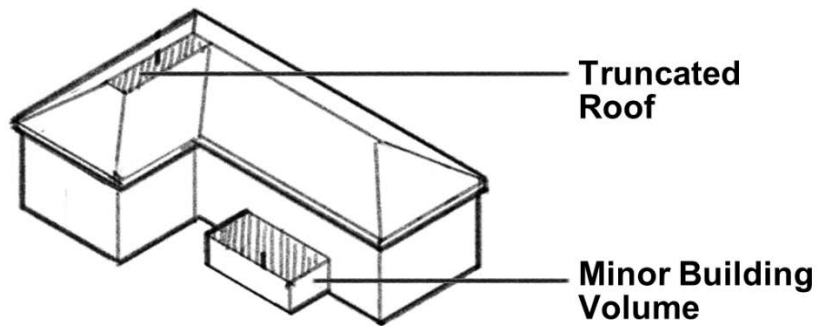


Figure 55-H: Illustrative example of flat roof exceptions.

**(b) Building Materials and Material Quality**

Materials, material quality, and finishes include all exposed exterior surfaces of foundations, siding, trim, soffits, other detailing, and roofing. To be consistent with the preferred character of residential development, houses should have a limited, simple palette of materials, which should also be durable and maintain their form and color over time.

**(1) Predominant Material Palette**

Determine the contextual predominant material palette by identifying the primary materials used on the exterior of the front façades of existing houses along the same block face. Any material present on 20 percent or more of the existing houses along the same block face is considered a predominant material, but there may be more than one. If a single material (e.g., brick, clapboard, etc.) is dominant (present on more than 70 percent of houses within the site context), that material is considered to be the single dominant material.

**(2) Preferred**

- (i)** Brick, stone or clapboard (wood or fiber cement) where there is not a single dominant material or a predominant material palette along the same block face
- (ii)** When used, clapboard siding made of wood or fiber cement needs to mimic the profile of traditional wood siding
- (iii)** When used, real brick and stone, not other materials simulating brick or stone
- (iv)** Synthetic stone may be used when approved by the Architectural Review Board.
- (v)** When used, high quality vinyl siding
- (vi)** Detailing with stone or siding of exposed foundation wall
- (vii)** Consistent use of exterior finish material on all façades and features of the house
- (viii)** If change of material is needed, change at shift of wall plane. However, if brick or stone is used on the primary façade, it should wrap around the side façades for a minimum of 24 inches or as directed by the Architectural Review Board.
- (ix)** Products that yield durability and represent a long-life cycle
- (x)** Copper or lead flashing. If other materials are used, flashing to match color of adjacent building material

**(3) Discouraged**

- (i) Engineered wood siding (OSB, hardboard, and plywood)
- (ii) More than two primary exterior wall materials
- (iii) More than two visible roofing materials, colors, or styles
- (iv) Unfinished concrete block and poured-in-place walls exposed more than one-foot-high on a front façade or two feet high on a side or rear façade
- (v) Roof and wall materials that are not consistent with the architectural style
- (vi) Roof and wall materials uncharacteristic of single-family construction

**(c) Exterior Windows and Doors**

This section provides guidelines for all exterior windows and doors, their wall openings, and their frames and trim. The location, size, configuration, and character of exterior windows and doors influence the perceived scale, façade patterns, and architectural character of new houses and additions. To be consistent with the preferred character of residential development, windows and doors should be in keeping with the size, proportions, and style of the house and used to achieve a desirable façade composition.

**(1) Preferred**

- (i) Recessed openings
- (ii) Window and door style consistent with architectural style
- (iii) Same window type, style, material, and color on all façades
- (iv) Storm windows and screens that match window profile
- (v) Primary entry located on a street-facing façade or partial street-facing façade within 20 feet of the primary street-facing façade
- (vi) Operable windows, unless the otherwise dictated by the architectural style
- (vii) Trim/detailing around windows (e.g. sills and aprons consistent with the style of the home)
- (viii) Shutters in proportion to the window. If shutters are used, they should be of a consistent styling throughout and used on all windows where feasible.

**(2) Discouraged**

- (i) More than one window or door header height that does not match dominant header height on individual floors
- (ii) More than three window types or three window sizes on front and side façades as shown in [Figure 55-1](#)

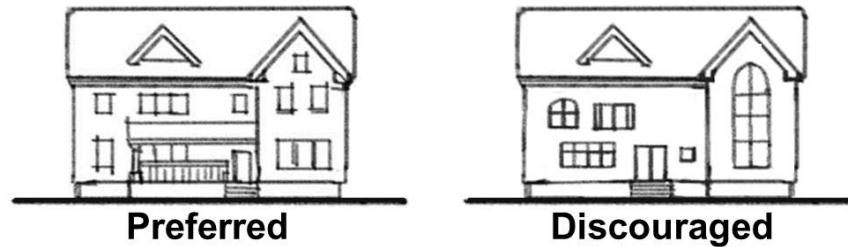


Figure 55-1: Illustrative examples of preferred (top) and discouraged (bottom) window sizes and types.

- (iii) More than two door types on front and side façades
  - (iv) Sliding glass doors on front façade
  - (v) Metal awnings
  - (vi) Moderate to highly reflective glass
  - (vii) Two-story-high windows on the front façade, which tend to emphasize the mass and verticality of a building
  - (viii) Fixed-pane “picture” windows
  - (ix) Unusually shaped windows (rounded, octagon, etc.) that are not firmly supported by the architectural design of the building
- (3) **Exceptions**  
Transom windows which do not match dominant header height
- (d) **Detailing**  
To be consistent with the preferred character of infill residential development, detailing should be constructed of high-quality materials, sized and configured in proportion with the scale of the architectural features, and should match the architectural style of the house as a whole.
- (1) **Preferred**
- (i) Gutters and downspouts well integrated with eaves and soffits
  - (ii) Hidden or architecturally integrated utility equipment
  - (iii) Products that yield durability and represent a long-life cycle
  - (iv) Original details on existing buildings such as cornices, horizontal bands and decorative elements should be preserved
- (2) **Discouraged**  
Utility equipment located on the front façade, in the front yard, or visible from a street unless hidden with landscape features
- (e) **Additions**  
Such projects still have the potential to impact the sense of building scale along the entire block face. To be consistent with the preferred character of residential development, additions should be carefully planned and respect the architectural integrity of the original structure. See [Figure 55-J](#).

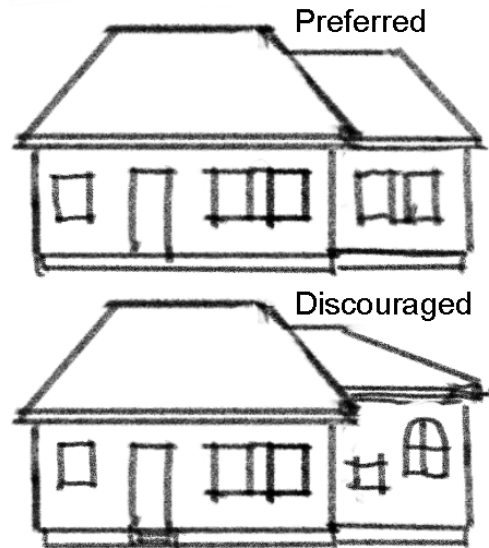


Figure 55-J: Illustrative example of preferred (top) and discouraged (bottom) building additions.

**(1) Preferred**

- (i) All preferred guidelines for building form and articulation, materials and detailing, and windows, and doors found in other portions of this section
- (ii) Removal of existing discouraged design elements
- (iii) Use of field and trim colors that are the same as or highly compatible with the house
- (iv) Use of similar wall, feature, door and window proportions
- (v) Alignment of eave lines, door and window headers, and horizontal trim
- (vi) Same or similar architectural style of house

**(2) Discouraged**

All discouraged guidelines for building form and articulation, materials and detailing, and windows and doors found in other portions of this section shall apply to additions.

**(f) Major Accessory Structures**

Major accessory structures are those larger than 120 square feet or taller than 12 feet. These accessory structures impact the character of residential sites, their neighbor's experience of their own site, and the character of the neighborhood and block face. To be consistent with the preferred character of residential infill development, major accessory structures should be located on the site, sized, configured, and treated to complement the main house, respect neighbors, and integrate with site's layout, scale, and character.

**(1) Preferred**

- (i) All preferred guidelines for building form and articulation, materials and detailing, and windows and doors
- (ii) Materials and colors to match the main house
- (iii) Garage doors with windows and articulated panels
- (iv) Roof style to match primary roof of house

**(2) Discouraged**

All discouraged guidelines for building form and articulation, materials and detailing, and windows and doors found in other portions of this section shall apply to major accessory structures.

**(3) Exceptions**

Flat roofs are allowed as a part of a truncated hip roof configuration if not visible from the street and less than 20 percent of total roof area (orthographic measurement).

**(g) Attached Forward-Facing Garages**

Attached forward-facing garages need to be thoughtfully designed to prevent them from dominating the façade of new homes.

**(1) Preferred**

(i) Along a block face with an established pattern of detached garages located in the rear yard (more than 50 percent of the developed properties along the same block face), any new forward-facing garages should be recessed from the façade of the home as far as possible.

(ii) Garage doors with windows and articulated panels

(iii) Single-bay garage doors no more than 9 feet in width

(iv) Garage doors to have a natural wood finish or a color that blends in with or is complimentary to the principal color of the façade

(v) Garage door styles consistent with the overall home style and blend with the main entry person-door

**(2) Discouraged**

(i) Double-wide (or larger) garage doors

(ii) Garage doors taller than eight feet

(iii) Three or more garage bays

**(3) Exceptions**

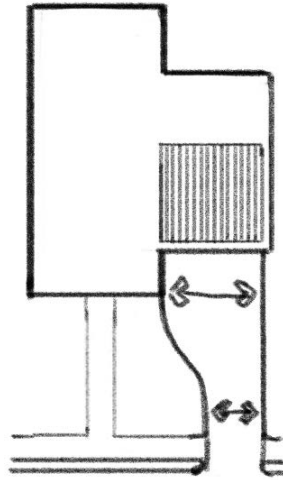
Lots that have a buildable area less than 50 feet wide may provide double-wide garage doors if all other requirements of this code are met.

**(h) Driveways**

To eliminate the appearance of a “sea of concrete” and encourage designs that lessen the amount of impervious surfaces, the size and appearance of driveways may need to be modified to be compatible with the site context.

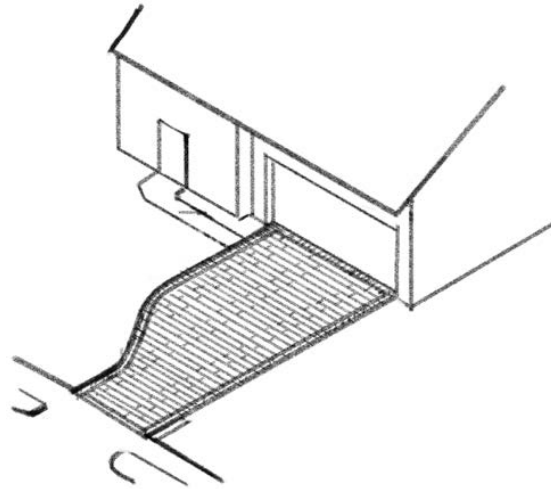
**(1) Preferred**

(i) Reduction of access apron and driveway width to the maximum extent feasible as illustrated in [Figure 55-K](#)



*Figure 55-K: Illustrative example of a driveway width reduction*

- (ii) Use of pavers and/or decorative stamped concrete (with integral color) as illustrated in [Figure 55-L](#)



*Figure 55-L: Illustrative example of the use of pavers or decorative concrete*

- (iii) Use of “ribbon” design that consists of two paved parallel tracks with grass in the middle as illustrated in [Figure 55-M](#)

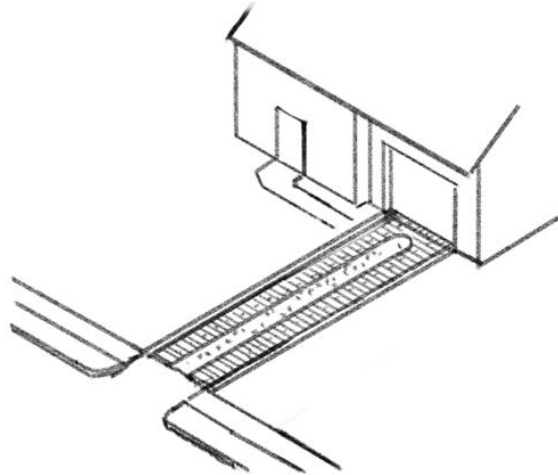


Figure 55-M: Illustrative example of a ribbon driveway design

**(2) Discouraged**

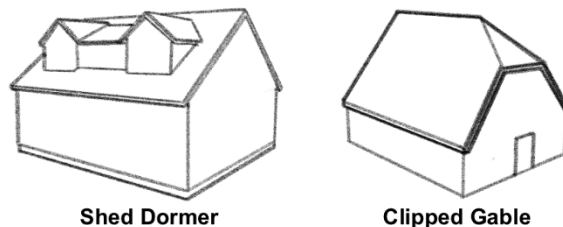
Driveways wider than 10 feet that do not incorporate one or more of the encouraged elements listed above

**(i) Scale Compatibility**

In situations where a proposed home is one or more stories taller than an adjacent home, projects should incorporate design measures to adequately mitigate scale differences.

**(1) Preferred**

- (i)** A building base that visually anchors the building by appearing more massive than the upper stories
- (ii)** A second floor that is set back from the ground floor on all walls facing front and side property lines through use of shed dormers or other roof design. See [Figure 55-N](#)



**Shed Dormer**

**Clipped Gable**

Figure 55-N: Illustrative example of shed dormers and clipped gable roofs

- (iii)** All sides of a structure, including those that are not visible from the street, have adequate wall and roof articulation to minimize the building's visual impact
- (iv)** Placing a significant majority of the second story floor area over the back half of the first story
- (v)** Use of a clipped gable to minimize the appearance of height

**(2) Discouraged**

- (i)** Any building elements that emphasize a structure's verticality
- (ii)** Two-story, flat facades



**(j) Anti-Monotony**

**(1) Preferred**

Homes that do not replicate the design of any property within two lots on either side. Properties should incorporate variation in articulation, roof lines, architectural features, and/or window and door placement

§ 25-56. Multifamily Design Guidelines.

**(a) Style**

No single architectural style should be superimposed upon buildings and each should reflect its own individual style. Monotonous design should be avoided. Variation of detail and form should be used to provide visual interest. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings. Additions should relate to the existing building in design, details, colors, and material.

**(b) Scale and Proportion**

The height, scale and proportion of each building should be compatible with its site and adjoining buildings. Building components such as windows and doors should have proportions appropriate to the architecture of the structure.

**(c) Proportion**

Elements of building massing should relate to the size and shape of those of adjacent buildings.

**(d) Materials**

Materials should be selected for suitability to the type of building and the design in which they are used and for harmony with adjoining buildings. Materials should be durable and of high-quality.

**(e) Colors**

Colors, including trim and accent colors, should be harmonious and visually compatible with neighboring buildings.

**(f) Awnings, Canopies, and Marquees**

Awnings, canopies, and marquees should fit the character of the building and not interfere with the appearance of the surrounding buildings.

**(g) Preservation of Period Detail**

Original details on existing buildings such as cornices, horizontal bands, and decorative elements should be preserved.

**(h) Screening**

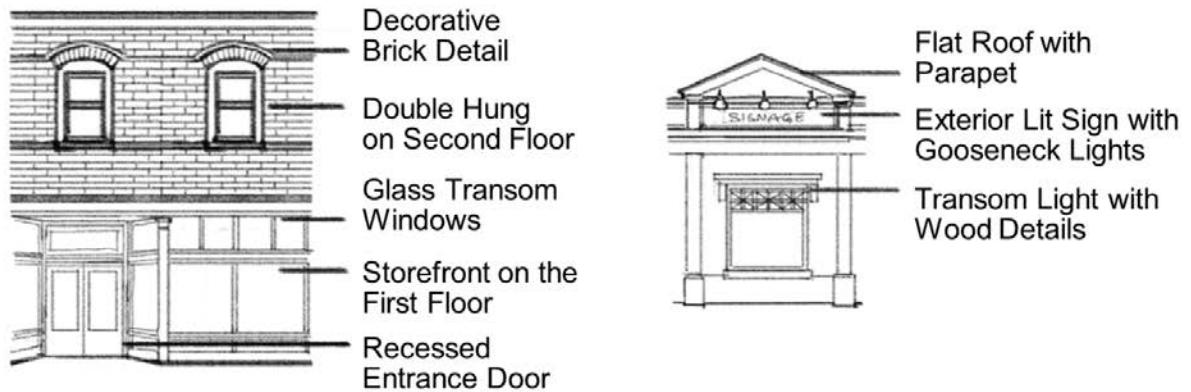
Utilitarian facilities, including, but not limited to, trash dumpsters, recycling bins, and rooftop mechanical units, should be visually screened with materials consistent and harmonious with the building. See [§ 25-53](#).

§ 25-57. Nonresidential Design Guidelines

**(a)** All guidelines listed in [§ 25-56](#) shall also apply to all nonresidential buildings

**(b) Site Context Guidelines**

The design of commercial structures should relate to character-defining elements in and around the applicable district. Downtown Kirkwood has a different motif than other commercial areas; however, the design guidelines for the downtown area should be referenced in the gateway areas near the intersections of Manchester Road/Kirkwood Road and Big Bend Boulevard/Kirkwood Road.



*Figure 57-A: Illustrative example of Downtown Kirkwood design motifs*

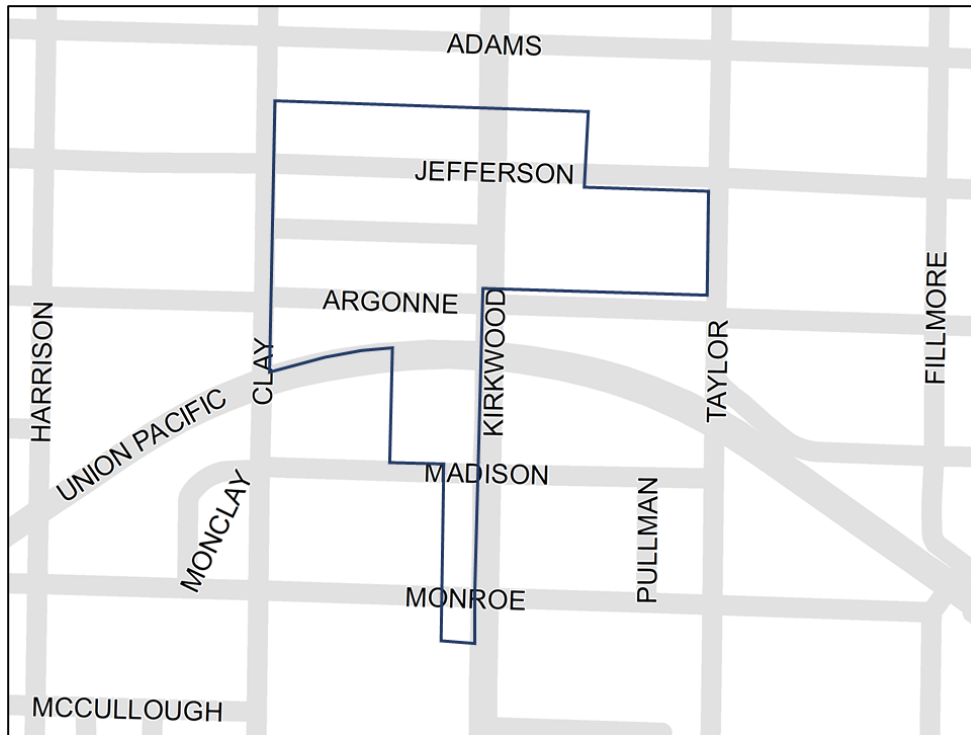
The districts can be broken down into five main context groups. Throughout the nonresidential design guidelines, these groupings will be referred to as follows:

TABLE 57-1: DESIGN GUIDELINE CONTEXT AREAS		
District Title	Abbreviation	Area Included
Historic Downtown	HD	See <a href="#">Figure 57-B.</a>
Central Core	CC	See <a href="#">Figure 57-C.</a>
Neighborhood Business	NB	Neighborhood Business Areas. See <a href="#">Figure 57-D.</a> This area includes all other areas zoned as a B-1 District.
Highway Business	HB	All other commercial areas
Industrial	I	I-1

**(1) Historic Downtown District (HD)**

The Historic Downtown (HD) District is in the heart of Kirkwood and is surrounded by residential buildings adjacent to the district and newer commercial development along Kirkwood Road to the north and south.

The streets of the commercial area are lined with a mixture of one-story and two-story commercial buildings. A few buildings date from the late 1800s; however, most of the construction dates are after 1900 and span into the early 1960s. In the 1920s and '30s many of the older buildings were faced with brick or stucco, apparently in an attempt to update the community's image. Nearly a third of the HD represents post World War II construction or new façades, an indication of the continued growth and prosperity of the community in the mid-20th century.



*Figure 57-B: Historic Downtown District Boundaries.*

- (i) **Preferred**
- a. Buildings within the National Historic Downtown District shall follow the Secretary of the Interior's Standards for Rehabilitation by the National Park Service when rehabilitating or modifying the materials and features of a property.
  - b. Retentions and preservations of the historic character of a property
  - c. Preservations of distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the building period of origin
  - d. Repair and restoration of deteriorated historic features
  - e. New features to match the old if replacement is needed of a distinctive feature, such as, design, texture, and other visual qualities and, where possible, materials
  - f. Maintenance of the first floor as an active commercial store front
  - g. Screening for all loading docks, parking lots and trash storage with contextual materials

- h.** Service elements, such as loading doors, should be integrated with the building elevation and designed so to minimize the visual impact of such elements
- i.** Designs of new buildings may be contemporary; however, they need to reference design motifs found in the historic district and maintain a sense of human-scale
- j.** Building massing and program space that complement the sidewalks and plantings to create a linkage to surrounding neighborhoods
- k.** Site architectural features may include brick, stone pavers, colored concrete, and decomposed granite along pedestrian circulation routes
- l.** Utilities to be installed underground
- m.** All mechanical equipment, utility meters, storage tanks, air-conditioning equipment, and similar equipment screened from view by an architectural element integrated into the structure
- n.** Modified national or regional prototypes so that it complements the context of the site
- o.** Walk-up windows

**(ii) Discouraged**

- a.** The removal of historic materials or alteration of features and spaces that characterize a property
- b.** Use of cleaning or patching treatments that cause damage to historic materials
- c.** Drive-through windows

**(2) Central Core District (CC)**

The Central Core District includes Downtown Kirkwood (except the Historic Downtown) and extends this area to include the gateway areas near the intersections of Kirkwood Road and Manchester Road, and Kirkwood Road and Big Bend Boulevard. The gateway areas consist of two key entry points to the City that serve as an important first impression where standards are elevated compared to other general commercial areas. While not a part of the Historic Downtown District, this district requires similar architectural elements and standards.

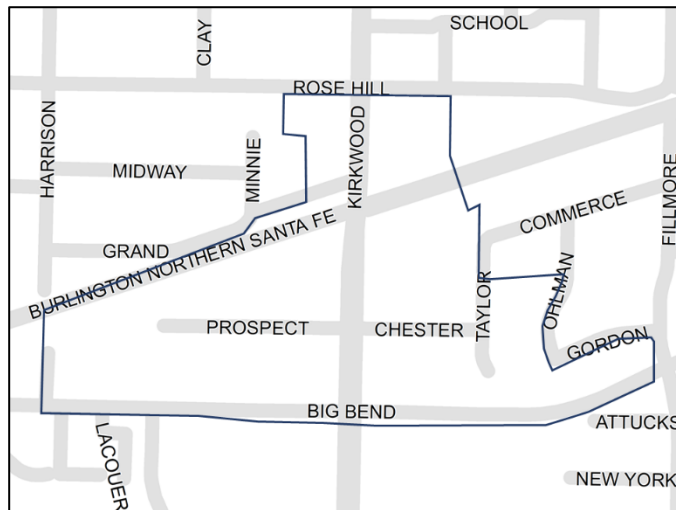
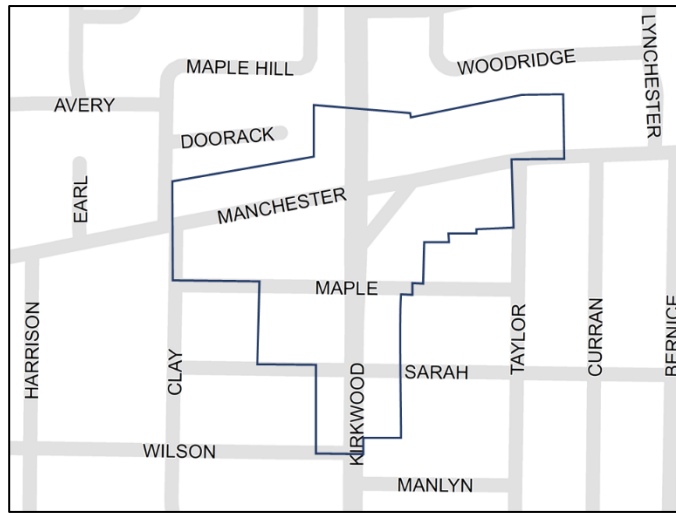
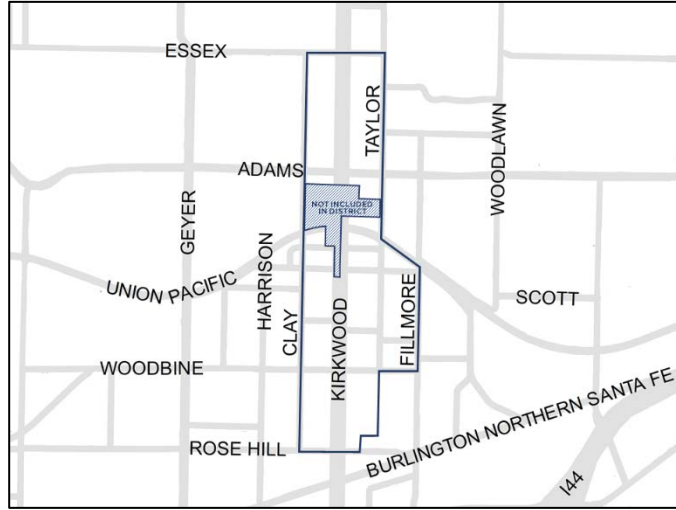


Figure 57-C: Central Core District Boundaries.

**(i) Preferred**

- a. Building massing and program space that complement the sidewalks and plantings to create a linkage to surrounding neighborhoods
- b. Maintenance of the first floor as an active commercial store front
- c. Site architectural features may include brick, stone pavers, colored concrete, and decomposed granite along pedestrian circulation routes
- d. Screening for all loading docks, parking lots and trash storage with contextual materials
- e. Service elements, such as loading doors, should be integrated with the building elevation and designed so to minimize the visual impact of such elements
- f. Utilities to be installed underground
- g. All mechanical equipment, utility meters, storage tanks, air-conditioning equipment, and similar equipment screened from view by an architectural element integrated into the structure
- h. Modified national or regional prototypes so that it complements the context of the site
- i. Designs of new buildings may be contemporary; however, they need to reference design motifs found in the historic district and maintain a sense of human scale
- j. Walk-up windows

**(ii) Discouraged**

- a. Loading docks and trash storage along street frontages
- b. Commercial building designs that are obviously national or regional prototypes
- c. Drive-through windows on the primary façade

**(3) Neighborhood Business District (NB)**

The neighborhood business districts are found at key intersections where neighborhood-scale shopping areas historically developed in Kirkwood. These include well defined areas and smaller instances of B-1 zoned properties.

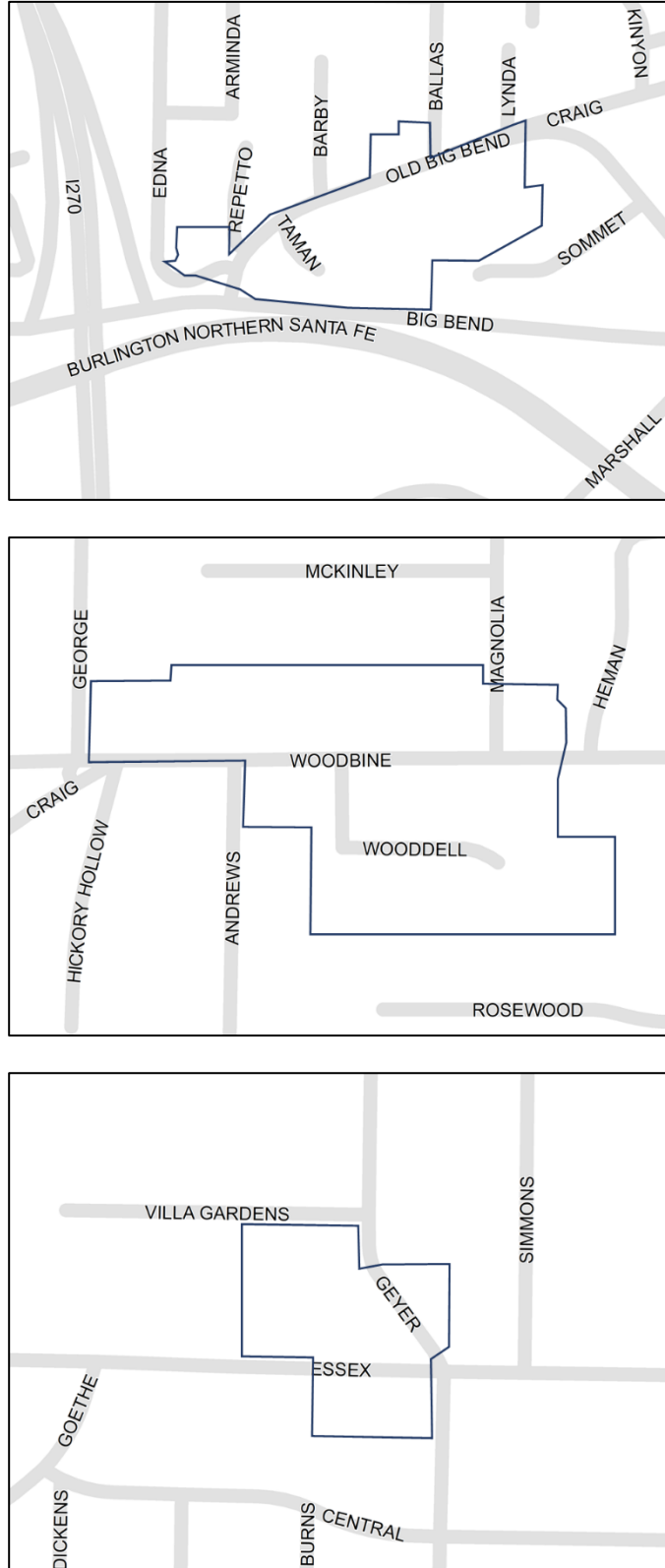


Figure 57-D: Neighborhood Business District boundaries (also includes other B-1 zoned areas not shown in above maps)

**(i) Preferred**

- a. Building massing and program space that complement the sidewalks and plantings to create a linkage to surrounding neighborhoods
- b. Maintenance of the first floor as an active commercial store front
- c. Site architectural features may include brick, stone pavers, colored concrete, and decomposed granite along pedestrian circulation routes
- d. Screening for all loading docks, parking lots and trash storage with contextual materials
- e. Service elements, such as loading doors, should be integrated with the building elevation and designed so to minimize the visual impact of such elements
- f. Utilities to be installed underground
- g. All mechanical equipment, utility meters, storage tanks, air-conditioning equipment, and similar equipment screened from view by an architectural element integrated into the structure
- h. Modified national or regional prototypes so that it complements the context of the site
- i. Designs of new buildings may be contemporary; however, they need to reference desirable design motifs from nearby structures
- j. Walk-up windows

**(ii) Discouraged**

- a. Loading docks and trash storage along street frontages
- b. Commercial building designs that are obviously national or regional prototypes
- c. Drive-through windows

**(4) Highway Business District (HB)**

The remaining primary commercial areas in Kirkwood include Manchester Road (except the defined gateway areas of the Central Core) and the interstate-oriented area near Interstate 44. These areas are lined with large commercial development and strip malls.

**(i) Preferred**

- a. Cart corrals designed to work with the building context
- b. Materials for pedestrian circulation routes are brick, stone pavers, colored concrete, and decomposed granite
- c. Screening for all loading docks and trash storage with contextual materials
- d. Service elements, such as loading doors, integrated with the building elevation designed so to minimize the visual impact of such elements
- e. All mechanical equipment, utility meters, storage tanks, air-conditioning equipment, and similar equipment screened from view by an architectural element integrated into the structure

**(ii) Discouraged**

- a. Cart corrals constructed of unaesthetic simple metal tubing



- b. Loading docks and trash storage along street frontages

**(5) Industrial District**

When properties in the industrial zone are adjacent to other nonresidential zoning districts or the Downtown Master Plan Study Area, the property should follow the recommendations of the area that abuts it.

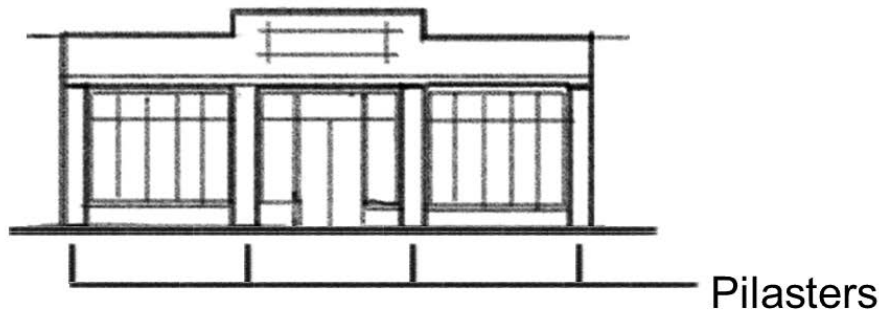
**(c) Building-Type Guidelines**

**(1) Storefront Type**

The storefront is part of the first floor of the building that infills the structural bay.

**(i) Preferred**

- a. Structural bays 20 to 40 feet wide
- b. Sixty percent of each storefront bay to be glass
- c. Storefronts that are markedly different than the wall material
- d. Awnings and canopies that are an appropriate scale compared to the storefront
- e. Through the use of storefront design, commercial buildings should have display windows on the first floor
- f. The overall width of the storefront reflects that of the individual tenant spaces, and architectural detailing, such as pilasters, should be used to separate storefronts along the same façade. See [Figure 57-E](#).



*Figure 57-E: Illustrative example of the use of pilasters to separate storefronts*

- g. When a building contains a secondary frontage, the storefront should also wrap the corner sufficiently.
- h. The use of a knee wall, kneeboard, or bulkhead below the sill of the storefront as illustrated in [Figure 57-F](#)

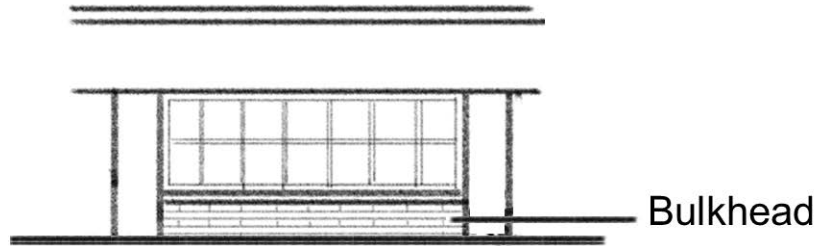


Figure 57-F: Illustrative example of a knee wall or bulkhead

- i. The use of transom windows above the head of the storefront. It is encouraged that these windows be made to read as distinct openings through the use of a more significant header by adding additional ornament or by treating them as separate cased openings rather than just a continuation of the storefront system.

**(ii) Discouraged**

- a. Bay windows or projections greater than two feet
- b. Storefront glass greater than 10 feet high
- c. Storefronts that are recessed greater than three feet from the face of the building
- d. Awning material used as infill for storefront material (e.g. the enclosure of outdoor dining areas using vinyl or fabric)
- e. Primary or secondary building façades which are lacking or void of architectural detail/storefront/openings/blind arcades

**(2) Office Building Type**

The following are design guidelines for office buildings where the first floor is not retail.

**(i) Preferred**

- a. At least 20 percent windows on the first floor
- b. Recessed or visually distinct entry components

**(ii) Discouraged**

Primary or secondary building façades that are lacking or void of architectural detail/storefront/openings/blind arcades

**(3) Parking Garage Type**

**(i) Preferred**

- a. Retail or other commercial on the first floor at 70 percent of street-facing façades
- b. A façade that matches the motif of the applicable district
- c. Side entrances to garage with decorative architectural features to blend the appearance of the entrance as illustrated in [Figure 57-G](#)

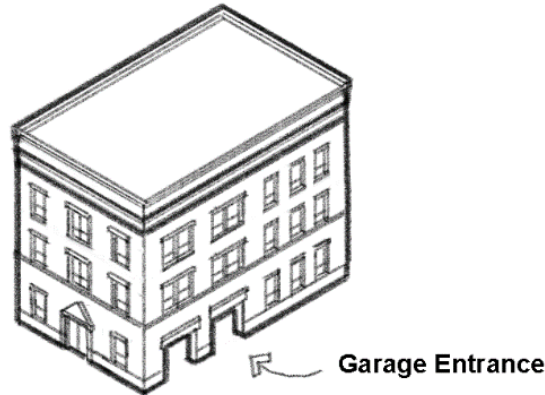


Figure 57-G: Illustrative example of a side entrance to garage

- d. Pedestrian circulation routes delineated and separated from automobile circulation
- e. Compatibility of architectural style and materials with principal building as illustrated in [Figure 57-H](#)

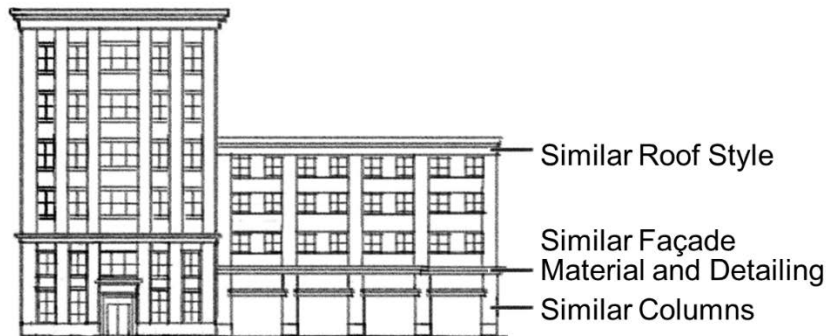


Figure 57-H: Illustrative example of architectural compatibility between the principal building and garage

**(ii) Discouraged**

- a. Front entrance to the garage
- b. Primary or secondary building façades that are lacking or void of architectural detail/storefront/openings/blind arcades as illustrated in [Figure 57-I](#)

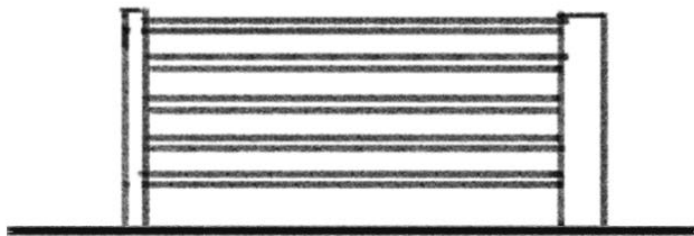


Figure 57-I: Illustrative example of a garage lacking architectural detail

- c. Use of painted-on patterns to break up massing

- d. Floors that appear angled from the exterior

**(4) Residential Building Type**

A residential house converted to an office or commercial use shall be subject to [§ 25-55](#).

**(5) National Chain Type**

The materials and colors of commercial building designs that are obviously national or regional prototypes shall be given particular attention as they relate to their new Kirkwood-specific context.

**(i) Preferred**

- a. Kirkwood-specific building colors and materials that contribute and are equally balanced with that of their neighboring buildings and environment
- b. Consideration should also be given to the architectural district within which the project is located (e.g. Central Core vs. Highway Business).

**(ii) Discouraged**

- a. Building colors and materials designed to display a corporate identity
- b. Primary or secondary building façades that are lacking or void of architectural detail/storefront/openings/blind arcades
- c. Complicated roof forms

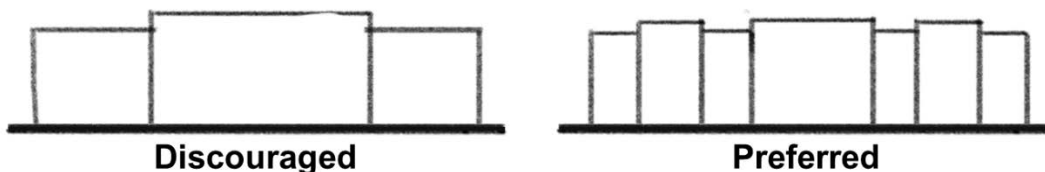
**(d) General Building Guidelines**

**(1) Building Massing and Articulation (Mass, Alignment, Pattern, Proportions)**

Building massing is looking at its three-dimensional form and evaluating it for relative scale, bulk and relationship to exterior spaces, and to the overall streetscape. Massing that is "broken up" to reduce bulkiness is usually more successful. The massing of buildings with larger footprints can appear oppressive or overly bulky if care is not taken to articulate the mass.

**(i) Preferred**

- a. Break large projects into a series of appropriately scaled masses through the use of articulations and shadow lines as illustrated in [Figure 57-J](#)



*Figure 57-J: Illustrative example of large building masses*

- b. Use of massing elements to define entrances as illustrated in [Figure 57-K](#)

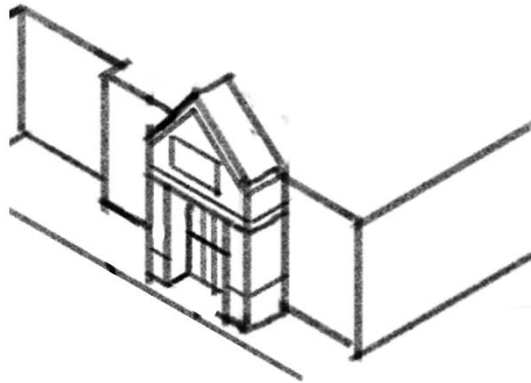


Figure 57-K: Illustrative example of the use of massing elements to define entrances

- c. The vertical mass in multi-story buildings should be divided into smaller scale components that include a base, middle and top to reduce the perceived height and create architectural interest. First floors should be taller than upper floors and differentiated architecturally to create a sense of human scale. See [Figure 57-L](#).

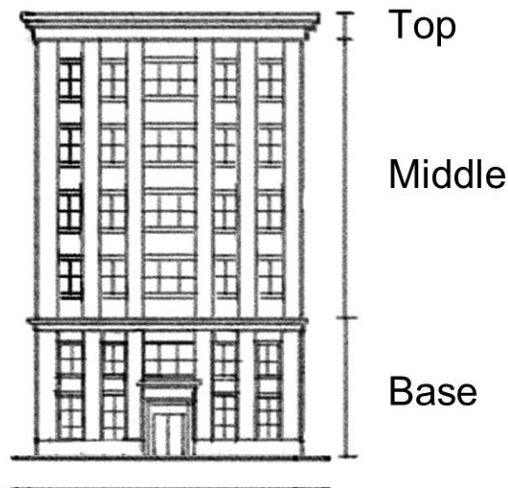


Figure 57-L: Illustrative example of vertical massing including a top, middle, and base

- d. Visual interest through the incorporation of architectural components such as awnings, balconies, dormers, cornices, and parapets appropriate with the building style as illustrated in [Figure 57-M](#)

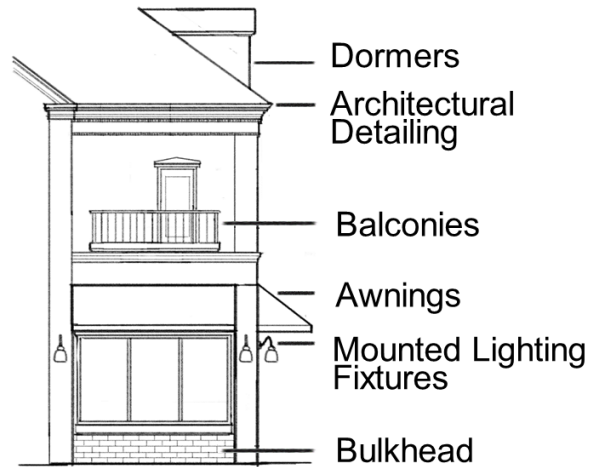


Figure 57-M: Illustrative example of the use of architectural components

- e. Building masses that help to continue or establish a streetscape.
- f. Well-scaled elements or structures that are sensitive to the site context.
- g. Buildings in the CC context group should maintain a consistent street wall along their street frontages. Variety in massing is encouraged between neighboring buildings although significant differences in massing will receive much greater scrutiny.
- h. Building elements inherent of an architectural style. For example, peculiar volumes, such as cylinders and conical roofs, should not be employed for architectural styles that do not have a history of incorporating such volumes.
- i. Building massing that responds to the topographical conditions and landscape features that are specific to the site.
- j. Front façades of a building that serve as the focal point in terms of the level of architectural character and features, but where architectural detailing, of a similar character, is provided on all facades that face residential zoning districts and other rights-of-way that is consistent with the front façade



Figure 57-N: Illustrative example of two methods of using architectural features to create wall surface relief on wall elevations that are not the primary elevation.

(ii) Discouraged

- a. Long horizontal masses with no vertical offsets or relief as illustrated in [Figure 57-O](#)

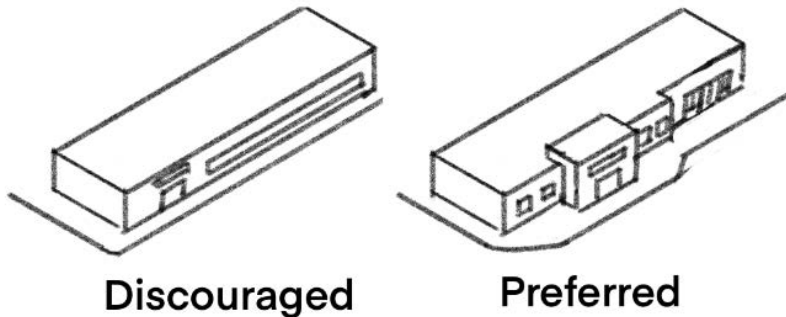


Figure 57-O: Illustrative example of horizontal massing

- b. Use of painted-on patterns to break up massing  
c. Large gables, unusual roofs, or other massing elements that are disproportionate in scale with the façade or other portions of the building as illustrated in [Figure 57-P](#)

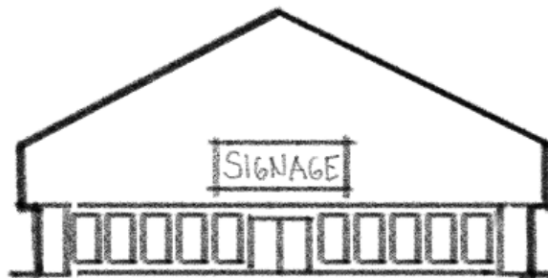


Figure 57-P: Illustrative example of oversized gables, out of scale massing elements

- d. Monolithic slab-like structures that wall off views and overshadow the surrounding neighborhood

- e. Significant height changes between buildings
- f. Retaining walls greater than five feet in height

**(2) Materials, Texture, and Color**

The choice of materials and texture has great visual significance. Coordinating materials within a development can tie buildings of different sizes, uses, and forms together, while contrasting materials, textures, or colors within a large building may add visual interest and reduce its scale. In an effort to perpetuate Kirkwood's unique character and to reinforce its local identity, it is important that new development be compatible with and respectful of the strengths of the City's current and historical development fabric. New structures within the various commercial districts of Kirkwood shall be compatible with their neighbors in regard to exterior building materials, particularly when adjacent structures are substantially in compliance with the guidelines. This does not imply uniformity of architectural style; rather, a similarity to exterior building materials of nearby "conforming" structures and environment.

**(i) Materials**

High quality building construction begins with durable and high-quality materials.

- a. Building materials, textures, and colors shall be used in a consistent manner on the exterior of the building.
- b. Materials, textures, and colors on all exposed façades shall be given equal values; this includes the many other architectural features that make up the design. The materials on the sides of the building as well as those used on these other architectural features should form a cohesive design and should not be sacrificed, overlooked, or neglected.
- c. Industrial areas are to be held to a similar standard as commercial, especially on arterial and collector streets, except for remote walls.

**(ii) Color**

Color is an integral element of the overall design. Brick, stone, and concrete have an inherent color created by nature or during the manufacturing process. Other surfaces will get their color from applied materials such as paint.

- a. The color palette of the building and any material patterns (such as a brick or stone color mix or pattern) should be limited and display a subtle color range with the color saturation, brightness, and texture not to vary more than 20 percent.
- b. The colors of exposed exterior components of a building are to be of low reflectance, subtle, neutral, or simple earth-tone colors. The use of accent colors should be limited to architectural detail elements, including awnings, or trim (metal or wood detailing), but again these should also be of low reflectance, subtle, earth-tone colors. High-intensity or metallic colors are not recommended for any part of the development.

**(iii) Preferred**

- a. Brick, natural clay-fired, traditional masonry unit sizes
- b. Stone, natural, traditional masonry unit sizes



- c. Finished concrete or natural/exposed aggregate for steps, ramps, walkways, retaining walls, porches, docks, and foundations. When used on the façade they should not be used on more than 10 percent of the overall façade
  - d. Stone or split face concrete block retaining walls
  - e. Regional materials defined as building materials that are produced, harvested or has final assembly less than 500 miles from Kirkwood, Missouri, City Center
  - f. Architectural detailing
  - g. Metal (cast iron, tin, copper, and wrought iron), steel windows, aluminum clad wood windows, gutters/downspouts/leaf guards
  - h. Wood; consider alternatives such as simulated wood details made of plastic, fiberglass, or fibrous cement
  - i. Rough sawn or treated lumber
- (iv) **Discouraged**
- a. Exterior building materials inconsistent on front and side elevations
  - b. Façade of the same material throughout as illustrated in [Figure 57-Q](#)



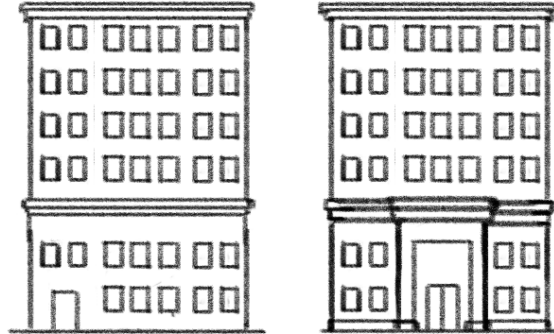
*Figure 57-Q: Illustrative example of façade material variety*

- c. Corrugated metal for use as retaining walls
- d. Vinyl, aluminum, or other synthetic siding on any primary façade
- e. Smooth concrete block (split face or ground face only); not intended to be used as a substitute for stone or brick
- f. Industrial grade precast concrete or tilt-up
- g. Vinyl or other synthetic composite windows
- h. Highly reflective aluminum windows and doors; this includes storm windows and/or storm door units
- i. Pre-manufactured assemblies, such as metal buildings, aluminum sun rooms, tented structures (frame or tension)
- j. Composite panel systems, metal or cement
- k. Plywood
- l. Fiberglass
- m. Exterior insulation and finish systems (EIFS) unless said system is designed to be drainable and applied in areas not susceptible to durability issues
- n. Visible white roofing materials. A more neutral color is required at roofs that are visible

(3) Windows and Doors

(i) Preferred

- a. Main building entries should be parallel to the front property line and include a well-defined entryway such as a recessed entrance, protruding entrance, or truncated corner entryway. See [Figure 57-R](#).



Discouraged

Preferred

Figure 57-R: Illustrative example of a well-defined entryway (right, preferred image)

- b. Each floor of any building façade facing a street should contain transparent windows that allow views of indoor nonresidential space or product display areas. Windows should cover at least 20 percent of the wall area.
- c. The use of a knee wall, kneeboard, or bulkhead below the sill of the storefront as illustrated in [Figure 57-S](#)

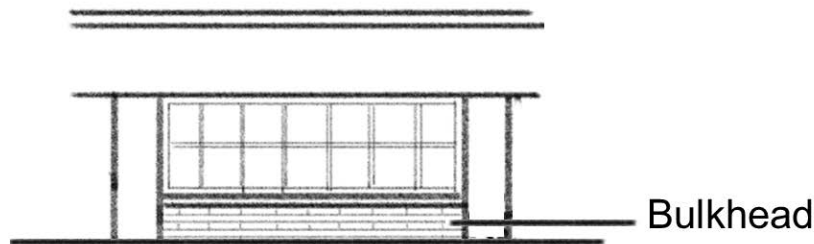


Figure 57-S: Illustrative example of a knee wall or bulkhead

- d. Window placement on upper floor that aligns with storefront below as illustrated in [Figure 57-T](#)

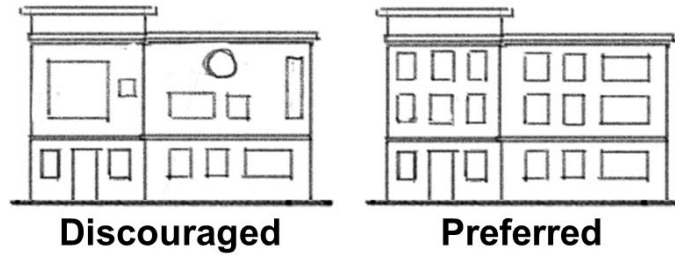


Figure 57-T: Illustrative example of window placement on upper floors

- e. Windows and doors should be similar in size, shape, style, placement, configuration, materials, and color on all façades, and should be complimentary of the existing character of the applicable district
  - f. Glass must be clear or nearly clear
  - g. Glazed area should not exceed 40 percent on any façade (storefront type first-floor windows should be excluded from the 40 percent)
  - h. Consistent rhythm of the window spacing and size
  - i. Recessed openings
  - j. Window and door style consistent with architectural style
  - k. Storm windows and screens that match window profile
  - l. Primary entry located on the addressed street-facing façade or partial street-facing façade within 20 feet of the primary street-facing façade
  - m. Trim/detailing around windows
  - n. Shutters in proportion to the window
- (ii) **Discouraged**
- a. Highly reflective or tinted windows
  - b. Storefront windows that extend to the floor line
  - c. Façades that lack windows to allow views of product display areas as illustrated in [Figure 57-U](#)

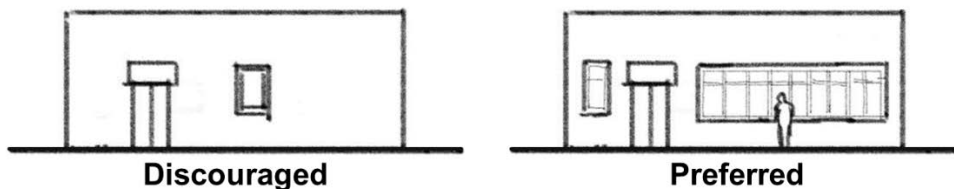


Figure 57-U: Illustrative example of façade window displays (top image is discouraged and bottom image is preferred)

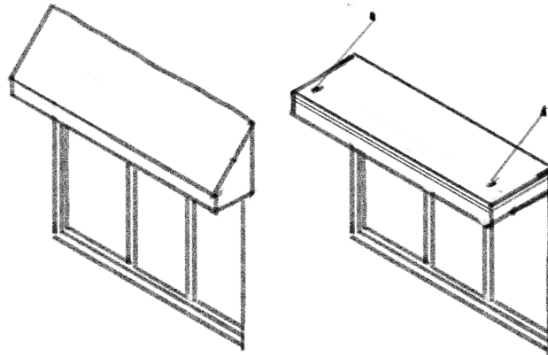
- d. Multiple sized windows on a façade
- e. Residential-quality windows on the first floor
- f. Awning material infill for a door or storefront material (e.g. the enclosure of outdoor dining areas using vinyl or fabric)
- g. Vinyl or plastic windows

- h. Covering existing windows with solid panels

**(4) Projections, Awnings, and Canopies**

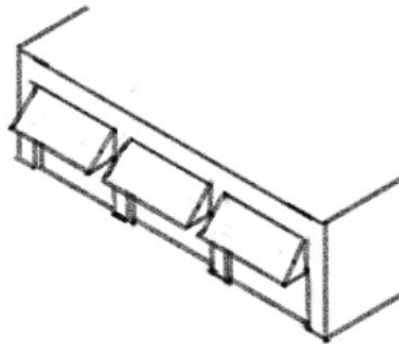
**(i) Preferred**

- a. Canopies, awnings, and similar features that create shade, protect buildings and users from the elements, and physically and visually identify points of entry as illustrated in [Figure 57-V](#)



*Figure 57-V: Illustrative example of preferred awning styles*

- b. Projections that are in character with the style and period of the building type
- c. Placement on upper floor that aligns with storefront below
- d. Awnings made of metal or a high-quality material that is weather-, UV-, mold-, and fire-resistant
- e. Awnings that break with the vertical breaks in the building façade, consistent with window placement as illustrated in [Figure 57-W](#)

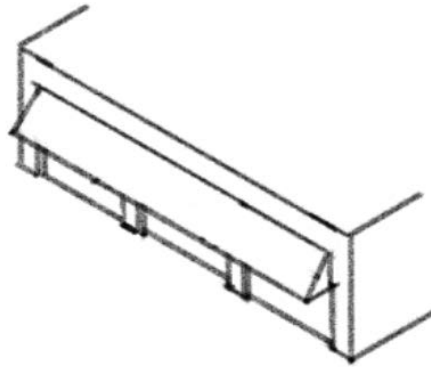


**Preferred**

*Figure 57-W: Illustrative example of awning breaks consistent with building design*

**(ii) Discouraged.**

- a. Projections and bays greater than two feet from the face of the building
- b. Backlit projections or awnings
- c. Awnings that extend the full length of the façade without regard to the entrances and storefronts as illustrated in [Figure 57-X](#)



## Discouraged

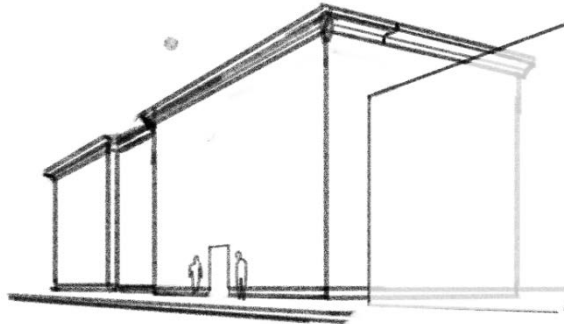
*Figure 57-X: Illustrative example of awnings extending the full length of façade*

- d. Awnings should not be used as primary design elements.

### (5) Roofs, Cornices, and Parapets

#### (i) Preferred

- a. When utilized, flat roofs should incorporate parapets
- b. In an attempt to avoid monolithic roof lines, it is preferred that buildings break up the roof mass through the use of design elements, such as stepped parapets, motif parapets, decorative cornices, etc.
- c. Flats roofs should incorporate a cornice into street-facing façades as illustrated in [Figure 57-Y](#)
- d. Cornices should wrap a minimum of two feet around exterior corners



*Figure 57-Y: Illustrative example of the preferred use of a cornice*

- e. Simple parapets with a stone or brick cap are acceptable for rear and side elevations
- f. Cornices that articulate the building mass as illustrated in [Figure 57-Y](#)
- g. Cornices that wrap all the way around projections as illustrated in [Figure 57-Y](#)

#### (ii) Discouraged

- a. Complex roof forms that mix multiple roof forms and styles on a single building as illustrated in [Figure 57-Z](#)

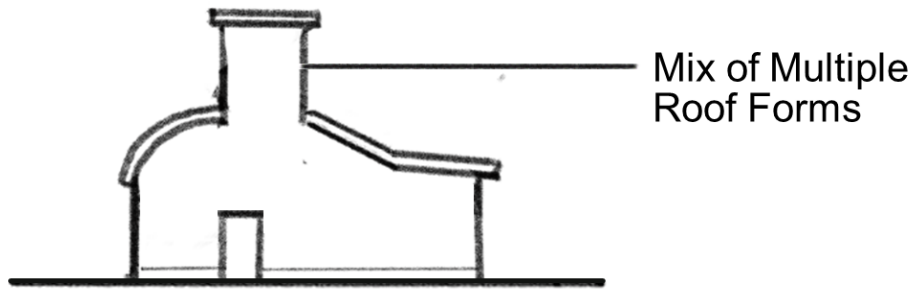


Figure 57-Z: Illustrative example of a complicated roof form

- b. Sloped roofs without overhanging eaves as illustrated in [Figure 57-AA](#)

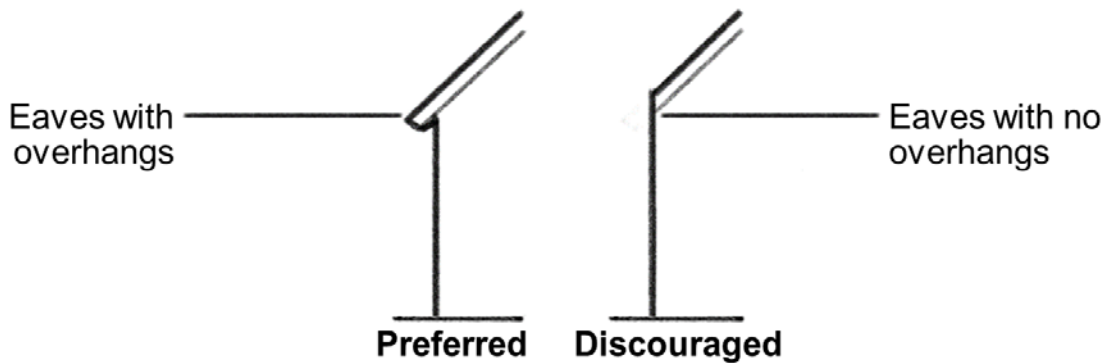
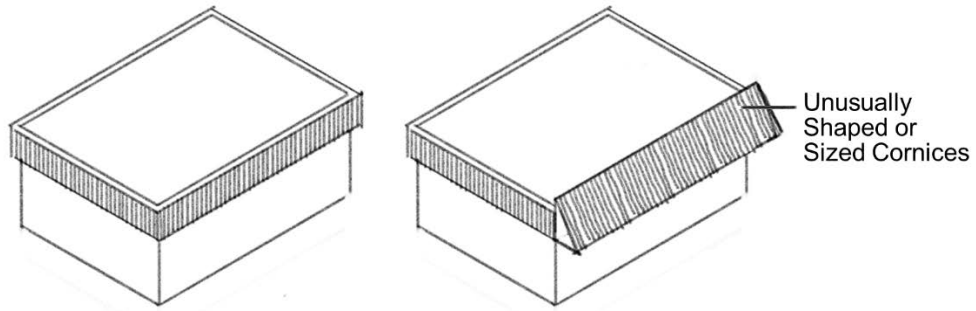


Figure 57-AA: Illustrative example of the preferred and discouraged use of eaves on sloped roofs

- c. Fiberglass roofs
- d. Visible white roofing materials. A more neutral color is required at roofs that are visible
- e. Visible rolled asphalt or membrane roofs
- f. The use of two-dimensional roofline elements, also known as "stage front" that are not integrated into the building design. Please note that while these are discouraged elements, the Board does recognize motif parapets when used more sparingly and in a more traditional manner
- g. Metal caps on stone façades
- h. Unusually shaped or sized cornices as illustrated in [Figure 57-BB](#)



*Figure 57-BB: Illustrative examples of cornices with unusual shapes or sizes*

## Article VIII: Landscaping and Buffering Standards

### § 25-58. General Landscaping Information.

**(a) Purpose**

The landscaping and buffering requirements as set forth in this section have been established to encourage quality development within the City, to provide a smooth transition between adjoining properties; to screen loading zones, dumpster enclosures, parking lots and other areas; to facilitate the buffering of one land use from other land uses; and to encourage harmonious relationships between buildings.

**(b) Applicability**

The following landscaping requirements apply to all new planting materials within the City of Kirkwood unless specifically listed in [§ 25-59\(a\)](#). If existing site landscaping is altered, it shall be replaced with materials in conformance with [§ 25-58\(d\)](#).

**(c) Landscaping Plan**

All applications submitted to the Planning and Zoning Commission that are subject to [§ 25-58\(b\)](#), shall submit a landscaping plan and tree preservation plan (per Chapter 24, Article II) in conjunction with the submittal application. All other applications that are not subject to Planning and Zoning Commission review, yet are subject to [§ 25-58\(b\)](#), shall submit a landscape plan and tree preservation plan in conjunction with the administrative site plan review and building permit application.

**(d) Planting Requirements**

A list of desirable and undesirable tree species can be found in the document titled "Street Tree Selections for Kirkwood," a copy of which can be obtained from the Department of Public Services. The use and maintenance of native plant materials is encouraged. All new and preserved landscaping materials that are proposed to meet the requirements of this article shall meet the following criteria:

- (1) Canopy trees: two-inch minimum caliper
- (2) Understory trees: one and one-half-inch minimum caliper
- (3) Evergreen trees: eight feet minimum height
- (4) Deciduous and/or evergreen shrubs:
  - (i) Type A: Less than 18 inches in height.
  - (ii) Type B: 18 to 24 inches in height.
  - (iii) Type C: greater than 18 inches in height.
- (5) Ground cover: Suitable ground cover shall be provided throughout the site. Ground cover shall be construed to include any combination of low plants that cover the ground, grass, wood chips, bark mulch, crushed stone and similar substances.

**(e) Irrigation**

Automated irrigation systems are required for landscaping in new construction projects. These systems are not required for renovations, additions, or change of use.



**(f) Continued Maintenance**

It is the responsibility of the property owner or his/her agent to ensure all trees, plants, ground cover or any other material required by this section or included on the landscape plan, whether on private property or in abutting right-of-way, shall remain in a healthy and growing condition. Any trees, plants, ground cover or other material or equipment required in this section that does not survive, function properly or is in need of repair shall be replaced within 30 days of its demise or damage, or as otherwise approved by the Director of Public Services due to weather or other conditions that prevent planting.

§ 25-59. Landscaping Standards.

**(a) Exceptions**

The following shall be exempt from the regulations of [§ 25-59](#):

- (1) Infill single-family residential uses and their accessory structures; however, said projects are subject to Chapter 24 of the Municipal Code.
- (2) Single-family residential uses and their accessory structures that are part of an approved subdivision plat with a landscaping plan.

**(b) New Parking Lots and Parking Lot Additions**

Landscaping shall be required in new parking lots with seven or more spaces and additions to existing parking lots that add seven or more spaces. This shall include paved areas and access aisles for vehicular movement as follows:

**(1) Perimeter Landscaping**

- (i) The outside perimeter shall include a landscaped area a minimum ten feet in width along front lot lines and seven feet in width when adjacent to side or rear property lines that must contain:
  - a. At least one canopy tree per every 40 feet, which may be substituted with one understory tree per every 25 feet where conflicts with overhead utilities exist; and
  - b. At least one Type A or Type B deciduous and/or evergreen shrubs per every 10 feet and shall be provided in groupings.
- (ii) The use of earthen berms is encouraged in addition to live planting material.
- (iii) Portions of parking lots, paved areas, or access aisles adjacent to a landscaped buffer as required per [§ 25-60](#), are not subject to perimeter landscaping as required [§ 25-59\(b\)\(1\)](#), above.

**(2) Interior Landscaping**

- (i) Curbed islands with a minimum width of seven feet shall be located at the ends of all parking aisles.
  - a. At the ends of a single row of parking, each island shall have a minimum area of 120 square feet and shall contain a minimum of one canopy tree, which may be substituted with one understory tree if conflicts with overhead utilities exist.
  - b. At the ends of a double row of parking, each island shall have a minimum area of 240 square feet and shall contain a minimum of two canopy trees planted at nineteen-foot centers, including appropriate ground cover. Understory trees may be substituted if conflicts with overhead utilities exist.

- (ii) Parking rows shall be interrupted by an intermediary landscaped island every 20 contiguous side by side spaces, with the island meeting the minimum landscape width, area, and tree count as per [§ 25-59\(b\)\(2\)](#).
- (iii) Open space for the interior of parking lot areas shall be determined by the number of proposed parking spaces as shown in [Table 59-1](#). Said open space requirement shall include all required landscape islands and any non-vehicular area not fulfilling a separate buffer requirement per [§ 25-60](#).

TABLE 59-1: PARKING LOT INTERIOR OPEN SPACE	
Number of Parking Spaces	Required Open Space (square feet)
Less than 10	200
11 to 20	400
21 to 30	600
31 to 40	800
41 to 50	1,200
51 spaces or more	1,200 plus an additional 100 for each 10 spaces over 50

**(c) Landscaping for New Development**

Any portion of a new development site that is not subject to [§ 25-59\(b\)](#) or [§ 25-60](#) shall be landscaped in conformance with the following:

- (1) Along all street frontages, there shall be a landscaped area a minimum of seven feet in width that contains at least one canopy tree per every 40 feet of frontage, excluding driveway openings and required sight-distance triangle areas. If conflicts with overhead utilities exist, understory trees may be substituted at one tree per every 25 feet. In the Downtown Master Plan Study Area, trees planted in the right-of-way will count towards this requirement, if approved by the Director of Public Services.
- (2) Along all required side and rear yards, there shall be a landscaped area a minimum of seven feet in width that contains a minimum of one canopy tree or understory tree every 40 linear feet or a minimum of one canopy tree and one evergreen tree for each 50 feet with evergreen trees clustered in groups of two or more.

**(d) Building Additions**

When a building addition is being constructed on a site where the landscaping requirements set forth in [§ 25-59](#) are not already met, additional landscaping shall be required for every 100 linear feet of exterior building addition, footprint, or portion thereof. A minimum of two canopy trees, one understory tree, and five Type C shrubs shall be incorporated in the general area of the building addition.

**(e) Accessory Structures and Trash Enclosures**

The following landscaping requirements apply in addition to any requirements set forth in [§ 25-59](#) or [§ 25-60](#):

- (1) All accessory structures and/or mechanical equipment visible from the right-of-way or a public access aisle shall be required to be landscaped around their respective footprints with a continuous screen of Type C evergreen shrubs.

- (2) All exterior trash areas shall be enclosed in accordance with [§ 25-53](#), and if visible from the right-of-way or a public access aisle, shall be required to be surrounded by landscaping on three sides consisting of a continuous combination of Type A, B, and C deciduous and/or evergreen shrubs.

§ 25-60. Buffering Standards.

- (a) [Table 60-1](#) establishes the buffering standards that apply to all new construction as subject to the applicability standards of this article. Buffering standards are not required for renovations, additions, or change of use.
- (b) Where buffering is required in accordance with [Table 60-1](#), the buffering shall be required to be installed by the applicant on the property that is subject to the proposed development.

TABLE 60-1: BUFFERING STANDARDS			
Zoning of Proposed Development [1]	Zoning of Adjacent Development		
	R-1, R-2, R-3, R-4, R-MM [2]	R-5, R-6 [2]	B-1, B-2, B-3, B-4, B-5 or Downtown Master Plan Study Area
R-5, R-6	Type D		
B-1, B-2	Type C	Type C	
B-3, B-4, B-5	Type A	Type A	
I-1	Type B	Type B	Type C

**NOTES:**  
 [1] Buffer requirements for the B-4 and B-5 Districts may be modified by City Council as part of the development plan review process in [§ 25-18](#).  
 [2] Buffers for “B” Districts only apply where the rear or side yard of a proposed development abuts a residential zoning district

**(1) Type A Buffer**

A Type A buffer shall include:

- (i) Sound mitigating and sight-proof wall or fence not less than eight feet in height. The fence shall terminate 10 feet from the street right-of-way line; and
- (ii) Landscaped buffer 20 feet in width consisting of no less than one deciduous tree every 50 feet, one evergreen tree every 25 feet, and one shrub every ten feet provided in groupings.

**(2) Type B Buffer**

A Type B buffer shall include:

- (i) Sound mitigating and sight-proof wall or fence not less than six feet in height. The fence shall terminate 10 feet from the street right-of-way line; and
- (ii) Landscaped buffer 20 feet in width consisting of no less than one deciduous tree every 50 feet, one evergreen tree every 25 feet, and one shrub every ten feet provided in groupings.

**(3) Type C Buffer**

A Type C buffer shall include:

- (i) Sound mitigating and sight-proof wall or fence not less than six feet in height. The fence shall terminate 10 feet from the street right-of-way line; and
- (ii) Landscaped buffer 10 feet in width consisting of no less than one deciduous tree every 50 feet, one evergreen tree every 25 feet, and one shrub every ten feet provided in groupings.

**(4) Type D Buffer**

A Type D buffer shall include:

- (i) Sound mitigating and sight-proof wall or fence not less than six feet in height. The fence shall terminate 10 feet from the street right-of-way line; and
- (ii) Landscaped buffer seven feet in width consisting of no less than one evergreen tree every 25 feet and one shrub every ten feet provided in groupings.

§ 25-61. Landscaping for Single Family Residential Subdivisions.

**(a) Frontage Tree Plantings**

The subdivider shall plant trees in front of the building line but not within the public right-of-way approximately five to 10 feet from the public right-of-way along all streets in new residential subdivisions that are not located in wooded areas or where existing trees cannot be preserved in the development of the subdivision. The trees shall be provided in a ratio of not less than one tree for each 50 feet of frontage. At street corners, the nearest tree shall be located a minimum of 25 feet from the intersection of the street right-of-way lines. Preserved existing trees that meet the minimum requirements of [§ 25-58\(d\)](#) shall be included in the above requirement.

**(b) Planting Screens**

Within areas designated on the improvement plan for screen planting, a continuous planting of evergreens and deciduous trees shall be provided consisting of a minimum of one two-inch diameter deciduous tree, two one and one-half inch diameter understory trees, and six feet to eight feet tall evergreens for each 100 feet of such screen.

**(c) Total Tree Density Requirement for Residential Subdivisions**

- (1) The subdivider shall provide new and/or existing trees throughout the subdivision to the average minimum of one tree per 2,000 square feet of site area less street rights-of-way. This excludes frontage trees and screening trees.
- (2) Trees shall be spaced so that each lot has a minimum tree canopy coverage area of 350 square feet per 1,000 square feet of lot area (35 percent coverage). The developer shall provide a landscaping plan that locates and identifies by species new and existing trees to be counted as fulfilling the tree requirements. The tree canopy area shall be shown on the final landscaping plans. The canopy for each tree shall be drawn in accordance with the canopy sizes for mature trees shown on the acceptable plant material list available from the City of Kirkwood.
- (3) Significant existing trees shall be live, healthy trees of a species suitable for the urban environment having a diameter of eight inches or greater, as approved by the Planning and Zoning Commission.
- (4) The final improvement plans shall show significant trees designated by the Planning and Zoning Commission to be saved by the subdivider. If a significant tree or trees designated in the final improvement plans to be saved is lost for any reason by the time of the final inspection of the subdivision, the lost tree(s) shall be replaced by trees equal to the number of trees lost and shall meet the requirements of [§ 25-58\(d\)](#).

- (5) The City may require the value of trees to be preserved to be included in the subdivision's performance guarantee. Should these designated saved trees be lost due to willful actions or neglect of the developer, the developer shall provide landscaping and trees in the subdivision to replace those trees that have been removed or forfeit the amount to the general revenue of the City of Kirkwood.
- (6) If the trees designated to be saved are lost due to the willful actions or neglect of the developer, he shall be in violation of and be subject to the penalties under §1-8 of the City of Kirkwood Municipal Code. If any significant tree as identified in the tree study to be saved dies, is destroyed, or removed and the developer failed to conform to any special provisions of the subdivision approval ordinance regarding the protection of the trees, his actions shall be considered prima facie evidence of neglect and willful.
- (7) Where it is determined that removal of significant trees has occurred within two years prior to the filing of the preliminary plat, the Planning and Zoning Commission and/or City Council may require plantings in excess of the above requirements up to one and one-half times the number of trees that would otherwise be required.
- (8) In the center island of a cul-de-sac, ground cover shall be restricted to a maximum height of 30 inches above grade. Trees shall be only of a deciduous type trimmed to provide a minimum clearance to all limbs of six feet above grade.

## Article IX: Parking, Access, and Mobility Standards

### § 25-62. Purpose.

The regulations of this article are intended to achieve, among other things, the following purposes:

- (a) To relieve congestion on streets to create safer travel for all forms of transportation;
- (b) To ensure safe pedestrian and bicycle access to and between developments;
- (c) To lessen vehicular movement in the vicinity of intensive pedestrian and bicycle traffic to promote safety and convenience;
- (d) To protect adjoining residential neighborhoods from the impacts of large vehicular use areas created for nonresidential and/or mixed-use development; and
- (e) To provide regulations and standards for the development of accessory off-street parking and loading facilities in accordance with objectives of the various planning efforts in the City including the Downtown Master Plan.

### § 25-63. Applicability.

Unless otherwise stated, the requirements of this article shall apply to all development and expansions as set forth in this section.

#### (a) **Time of Review**

Compliance with this article shall be reviewed as part of an application for a special use permit or site plan review, whichever review comes first. Where such reviews are not required, compliance shall be reviewed as part of an application for a building permit.

#### (b) **New Development**

- (1) The requirements of this article shall apply to all new development where there is the construction of a new structure or establishment of a new land use.
- (2) New buildings that are constructed with a depth of less than 24 feet and provide the benefit of screening parking fields from street frontages and pedestrian passageways shall be considered liner buildings. Said liner buildings, which are constructed within the Downtown Master Plan Study Area, shall not be required to comply with the off-street parking, loading, or queuing lane requirements.
- (3) The number of existing parking, loading, or queuing lanes may not be reduced below the minimum requirements established within this article.

#### (c) **Existing Development**

Off-street parking, loading, and queuing areas that are legally in existence on the effective date of this code may not be reduced in size or number unless already exceeding the requirements of this article for equivalent new construction; in which cases, said spaces shall not be reduced below the number required by this article.

#### (d) **Expansions, Reductions, and Changes in Use**

- (1) The requirements of this article shall apply when an existing structure is expanded or enlarged, when there is an increase in the number of dwelling units within the building, or when there is a change of use that requires additional off-street parking, loading, or queuing lanes. In the case of expansions and enlargements, additional parking, loading, and queuing lanes are required to serve only the enlarged or expanded area.

- (2) When an existing structure is reduced in size, when there is a reduction in the number of dwelling units within the building, or when there is a change of use that requires fewer off-street parking, loading, or queuing lanes, the total number of spaces required by this article may be reduced provided that the vehicular use area complies with this article.
- (3) The change of use of any premises, or the remodeling of any existing building, within the area bounded by Bodley Avenue to the north, Taylor Avenue to the east, Woodbine Avenue to the south, and Clay Avenue to the west, shall be exempt from additional parking, loading, and queuing requirements established in this article. However, existing premises shall not decrease their existing parking, loading, or queuing lanes, including spaces leased to the City. New buildings and additions to existing buildings shall meet the parking, loading, or queuing requirements in this article.
- (4) The requirements of this article shall also apply to the creation or expansion of any new parking lot or addition of loading or queuing lanes, regardless if there are changes in the structure or use.

**(e) Accessory Uses**

Accessory uses shall be exempt from the requirements of this article unless specifically required in [Article IX: Parking, Access, and Mobility Standards](#).

§ 25-64. General Standards.

The following standards shall apply to all vehicular use areas regulated by this article unless specifically noted.

**(a) Access and Maneuverability**

- (1) Vehicular use areas shall be designed with appropriate means of vehicular access to a street or alley in such manner as will interfere least with the movement of traffic. Except for vehicular use areas for single-family residential uses, adequate maneuvering area shall be provided for vehicles to turn around where only one entry or exit is provided in order that no backing of vehicles into the street or alley is required.
- (2) No driveway, as measured at the right-of-way line, in any district shall exceed 35 feet in width, and the location of such driveway or curb cut shall be subject to the approval of the Director of Public Services on the basis of providing the minimum traffic interference. A driveway serving a single-family residential property shall have a minimum width of 10 feet and a maximum width of 20 feet. See Chapter 20, Article V, of the City of Kirkwood Municipal Code of Ordinances for additional requirements.
- (3) Where this article specifies aisle or driveway widths, the Director of Public Services shall have the authority to require additional aisle or driveway width and turning radii to accommodate emergency vehicles, large vehicles, equipment, vehicles with trailers, or when the aisle serves as a principle means of access and/or circulation within the site, including access to parking spaces, loading spaces, drive-through queuing facilities, or trash storage facilities.

**(b) Location**

- (1) Except as otherwise expressly provided in [Article V: Accessory Uses and Structures](#), all required off-street parking, loading, and vehicle waiting spaces shall be located on the same lot as the principal use.

- (2) All vehicular use areas, other than the permitted drive entrances, shall be located a minimum of 10 feet from any street right-of-way line.
- (3) **Single-Family Residential Districts, Single-Family Dwellings, and Two-Family Dwellings**
  - (i) For lots that contain a single-family dwelling or two-family dwelling, or in any single-family residential district, no parking space or portion thereof shall be located within the required front yard except as provided in [§ 25-64\(b\)\(3\)\(ii\)](#), below. Parking areas are permitted behind the front building line.
  - (ii) Single-family and two-family residential driveways shall meet the following requirements:
    - a. Driveways leading to a side/rear entry attached garage or a detached garage shall have a minimum width of ten feet and a maximum width of 13 feet for the portion of driveway located in the required front yard.
    - b. The maximum width of a circle drive in the required front yard is 13 feet. Turn around areas allowed in this code shall be prohibited where a circle drive is utilized.
    - c. The maximum width of a driveway beyond the property line leading to a front entry garage without side or rear yard parking is seven feet multiplied by the number of passenger vehicle spaces in the garage or carport plus an additional six feet. For purposes of this measurement the following shall apply:

<b>TABLE 64-1: DRIVEWAY MEASUREMENTS</b>	
<b>Number of Passenger Vehicle Spaces</b>	<b>Garage Opening Width</b>
One	< 14 feet
Two	Greater than or Equal to 14 feet and less than 21 feet
Three	Greater than or Equal to 21 feet and less than 28 feet

- d. Transition tapers to driveway widths greater than 20 feet shall have a minimum 1:1 length to width ratio.
- e. A single-family or two-family residential lot with less than 100 feet of frontage is permitted a maximum of one curb cut per street frontage. A single-family or two-family residential lot with frontage equal to or greater than 100 feet of frontage is permitted a maximum of two curb cuts on said street frontage. The total maximum number of curb cuts for any residential lot with multiple frontages shall be three.
- (iii) For single-family and two-family dwellings, lots on any of the following streets may include one nine-foot by nine-foot driveway turn around in the front yard except for lots that have a circle drive:
  - a. Kirkwood Road;
  - b. Manchester Road;
  - c. Big Bend Boulevard;
  - d. Geyer Road;
  - e. Adams Avenue;
  - f. Rose Hill Avenue;



- g. Woodbine Avenue;
- h. Woodlawn Avenue.
- i. Scott Avenue; and
- j. East Monroe Avenue.

(iv) Turn around areas may be built in the rear yard of any lot.

**(c) Fire Code**

All vehicular use areas shall conform to all requirements set forth in the applicable fire code as adopted by the City of Kirkwood.

**(d) Accessibility**

All vehicular use areas shall be designed and improved in compliance with this article and applicable building codes to ensure compliance with the Americans with Disabilities Act.

**(e) Landscaping and Screening**

Vehicular use areas shall comply with all applicable landscaping and screening requirements as established in [Article VIII: Landscaping and Buffering Standards](#).

**(f) Illumination**

(1) Vehicular use areas shall be illuminated whenever necessary to protect the public safety.

(2) All lighting shall comply with the regulations in [§ 25-52](#).

**(g) Stormwater**

(1) Adequate stormwater drainage facilities shall be installed in order to ensure that stormwater will not collect upon vehicular use areas and remain there, unless specifically approved by the Metropolitan Sewer District, and to ensure that stormwater will not flow onto abutting property or abutting sidewalks.

(2) All grading and paving related to vehicular use areas shall be subject to all applicable City stormwater ordinances including Chapter 5, Article VII of the Municipal Code.

**(h) Use of Vehicular Use Areas**

(1) Off-street vehicular use areas required by this section shall be used solely for the parking, loading or unloading, or queuing area for motor vehicles in operating condition of patrons, occupants or employees of such uses.

(2) No motor vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or in association with any off-street vehicular use area, except that off-street vehicular use areas for residential uses may be used for occasional auto washing or minor repairs of vehicles owned by the occupant.

(3) Off-street parking areas shall not be used for the storage or display of vehicles, trailers, boats, etc. for sale unless such display is in conjunction with a business establishment whose principal business is in the sale or lease of vehicles, trailers, or boats or if the vehicle being sold is the personal vehicle of the lot owner.

(4) The use of any off-street parking space, waiting space, or loading/unloading space for storage of wrecked, junked and/or inoperable vehicles shall be prohibited unless approved as part of a motor vehicle repair shop in accordance with this code.

**(i) Grading and Surface**

- (1) All vehicular use areas shall be graded, drained, and provided with adequate drainage facilities so that adjacent properties and rights-of-way, including public sidewalks, shall not be subject to flooding by run-off water from the proposed parking area.
- (2) All off-street vehicular use areas, except for off-street loading spaces, shall be graded and provided with a hard surface of asphaltic, bituminous cement, concrete, or other properly bound pavement, as approved by the Director of Public Services, so as to provide a durable and dustless surface, including private parking areas on residential lots. Areas surfaced with gravel, stone, dirt, lawn, landscaping, or other surface not expressly permitted by this code shall not be used for off-street vehicular use areas.
- (3) The surface requirements for off-street loading spaces shall be as established in [§ 25-68](#).
- (4) Porous pavement may be permitted for use only for off-street parking spaces (not related drive aisles) in nonresidential districts and only if used to meet requirements of the St. Louis Metropolitan Sewer District (MSD) and provided that the MSD has approved a maintenance agreement.
- (5) Paver systems may be permitted for residential parking as established in Chapter 5, Article VII of the Municipal Code.
- (6) The owner shall, at his/her own expense, maintain the surface of the vehicular use areas in a smooth and dust-free condition and repair any disintegration of the surface by patching or sealing when such disintegration takes place.

**(j) Curbs**

- (1) All off-street parking lots shall be designed with six-inch high and 18-inch wide concrete curbs in accordance with City of Kirkwood Engineering Department Standards.
- (2) Curbs shall be located at the perimeter of all parking lots, including any interior islands, such as landscape islands.
- (3) The above required curbs may be waived as part of the site plan review process under the following conditions:
  - (i) An alternative to the curb requirement has been approved by the Metropolitan Sewer District; or
  - (ii) The proposed application demonstrates that the waiver of curbs will provide for better stormwater drainage.
- (4) Where curbs are not provided, wheel stops shall be utilized to protect pedestrian areas, buildings, structures, or landscaping when located adjacent to vehicular use areas. Such wheel stops shall be placed to allow for two feet of vehicle overhang area within the dimension of the parking space.
- (5) Where curbs are provided, the applicant may incorporate cuts or breaks in the curbing to allow for stormwater drainage provided such cuts or breaks are shown in the site plan and stormwater plans.



Figure 64-A: Example of a break in a continuous curb to provide for stormwater flow.

**(k) Striping and Marking**

- (1) Any vehicular use area not servicing a single-family residential use shall indicate the location of each space, the location of spaces for persons with disabilities, and the location and direction or movement along the aisles and access drives providing access thereto by painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surface.
- (2) All parking spaces shall be properly marked by durable paint in stripes a minimum of four inches wide and extending the length of the parking space.

**(l) Special Parking Regulations for Residential Zoning Districts**

**(1) Prohibited Vehicles**

- (i) The following vehicles shall be prohibited from being parked in residential zoning districts:
  - a. All vehicles that have a dump-type bed;
  - b. All motorized construction equipment;
  - c. All vehicles that exceed 10 feet in height above the grade;
  - d. All trailers used to transport equipment or construction vehicles; and
  - e. More than one vehicle outlined in [§ 25-64\(l\)\(2\)](#), below.
- (ii) The above vehicles may be parked or stored inside approved garages.

**(2) Permitted Vehicles**

- (i) The following vehicles shall be parked behind the front line of the existing dwelling and screened from view from any right-of-way and from adjacent properties:
  - a. Vehicles that have dual rear wheels;
  - b. Vehicles that exceed seven feet six inches in height above grade.
  - c. All trailers not prohibited in [§ 25-64\(l\)\(1\)](#), above.
- (ii) Screening may consist of an evergreen hedge that provides continuous screening from adjacent properties or by solid fencing with a maximum height permitted in the applicable zoning district.

**(m) Calculation of Spaces**

When there is a determination in this article related to the number of required parking or loading spaces that results in a requirement of a fractional space, any fraction up to and including 1/2 shall be disregarded, and fractions over 1/2 shall be interpreted as one parking space. Such determination shall also apply to the determination of the number of required bicycle racks.

**(n) Maintenance**

- (1)** All vehicular use areas, sidewalks, and paved trails shall be maintained in a manner to keep it as free as practicable from rubbish, paper and other loose particles, and snow and ice shall be promptly removed by the applicable responsible party.
- (2)** Any walls, trees and shrubbery, as well as surfacing of vehicular use areas, shall be maintained in good condition throughout its use.

§ 25-65. Off-Street Parking Requirements

**(a) Rules for Computation**

**(1) On-Street Parking**

On-street parking spaces shall not be counted toward off-street parking space requirements except as may otherwise be provided for in this code.

**(2) Driveway Space Meeting Parking Requirements**

Entrances, exits, driveways, or queuing lanes shall not be computed as any part of a required parking lot or area.

**(3) Multiple Uses**

Where a building or group of buildings on the same lot contains two or more uses, the parking areas shall include a number of spaces that equals the combined total of parking spaces required for each individual use, except as otherwise allowed in [§ 25-65\(e\)](#).

**(4) Area Measurements**

All square footage-based parking standards shall be computed on the basis of gross floor area of all floors in the building. Up to 15 percent of the gross floor area may be excluded from the above calculation if the area is used for storage accessory to the principal use, restrooms, utilities or other maintenance areas, loading and unloading docks, and other areas incidental to the principal use.

**(5) Capacity- Based Standards**

- (i)** For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the typical, or average, number of persons working on a single shift, the typical, or average, enrollment, or the maximum fire-rated capacity, whichever is lesser.
- (ii)** In hospitals, bassinets shall not be counted as beds.
- (iii)** In the case of benches, pews, and similar seating accommodations that do not have individual seats, each 24 inches of length of seating shall be counted as one seat for the purpose of determining the parking requirements.

**(6) Unlisted Uses**

- (i) Upon receiving an application for a use not specifically listed in the parking schedule in [§ 25-65\(b\)](#), the Director of Public Services shall apply the parking standard specified for the listed use that the Director of Public Services deems most similar to the proposed use in regards to use, size and intensity of use.
- (ii) If the Director of Public Services determines that there is no listed use similar to the proposed use, intensity, or size, the Director of Public Services may refer to the estimates of parking demand based on recommendations of the American Planning Association (APA), the Urban Land Institute (ULI) and/or the Institute of Traffic Engineers (ITE).

**(b) Number of Spaces Required**

- (1) This section defines the number of parking spaces required for each use within the City.
- (2) For all uses except single-family and two-family dwellings, the number of parking spaces required in [Table 65-1](#) may be modified according to the following provisions:
  - (i) An application shall include the number of spaces required in [Table 65-1](#) or up to five percent less without needing an administrative waiver or variance approval.
  - (ii) Applications for administrative waivers or variances shall be from the total number of spaces required in [Table 65-1](#) and shall not include the five percent reduction or shared parking spaces.
  - (iii) Additional reductions shall be permitted if the applicant provides off-site parking spaces (See [Article V: Accessory Uses and Structures.](#)), shared parking spaces, or deferred construction parking spaces as provided for in [§ 25-65\(e\)\(2\)](#).
- (3) [Table 65-1](#) establishes parking requirements for lots within and outside the Downtown Master Plan Study Area. Where there is only a single parking ratio established, such ratio shall apply to all lots in the City.

TABLE 65-1: NUMBER OF REQUIRED OFF-STREET PARKING SPACES		
Use	Parking Space Requirements	
	Within Downtown Master Plan Study Areas	Outside of the Downtown Master Plan Study Area
<b>Agricultural Uses</b>		
Agricultural Use	No parking spaces are required	
Community Garden	1 space for every four garden plots – adjacent, on-street parking may be counted towards this requirement	
Livestock Facility, Private	No parking spaces are required	
<b>Residential Uses</b>		
Continuing-Care Retirement Facility	For independent living units, 1.5 spaces per dwelling unit. For other care facilities and dwelling types, 1 space per two beds at maximum capacity	
Domiciliary Home	1 space per two beds at maximum capacity	
Dwelling, Multi-Family	1.5 spaces per dwelling unit	2 spaces per dwelling unit
Dwelling, Row		
Dwelling, Single-Family	2 spaces per dwelling unit except for lots with a width of 50 feet or less, then 1 space per dwelling unit.	

**Article IX: Parking, Access, and Mobility Standards**  
 § 25-65: Off-Street Parking Requirements

**TABLE 65-1: NUMBER OF REQUIRED OFF-STREET PARKING SPACES**

Use	Parking Space Requirements	
	Within Downtown Master Plan Study Areas	Outside of the Downtown Master Plan Study Area
Dwelling, Two-Family	1.5 spaces per dwelling unit	2 spaces per dwelling unit
Group Home	1 space per two beds at maximum capacity	
Nursing Home	1 space per two beds at maximum capacity	
Residential Treatment Facility	1 space per two beds at maximum capacity	
Residential Use, Upper Floor	1.5 spaces per dwelling unit	2 spaces per dwelling unit
Short-Term Rental	2 spaces for owner plus one space for each guest room	
<b>Public, Institutional, and Recreational Uses</b>		
Wireless Communications Infrastructure	2 spaces per tower	
Bus Passenger Terminals	1 space per 100 square feet of lobby area	
Cemetery	1 space per four seats in a chapel or place of assembly at maximum capacity	
Housing for Religious Personnel	1 space per four beds at maximum capacity	
Educational Institution (Higher Education)	See <a href="#">§ 25-65(c)</a> .	
Educational Institution (Preschool and K-12)	1 space for every four seats in the largest auditorium, stadium, or assembly room, whichever is greater + 6 spaces per classroom.	
Funeral Home Service	6 spaces for each parlor + 1 space for each fleet vehicle or 1 space for each 50 square feet of floor area in assembly rooms used for services, whichever is greater.	
Fraternal Organization or Club	1 space per four fixed seats or 1 space per two persons based on the occupant load limit, whichever is greater	
Golf Course	4 spaces per green + 1 space for each driving range tee	
Government Facility	See <a href="#">§ 25-65(c)</a> .	
Hospital	1 space for every two patient beds + 4 spaces per 1,000 square feet of outpatient clinics, laboratories, pharmacies and other similar uses	
Museum	1 space for each four persons at maximum building capacity	
Outdoor Recreation, Public	See <a href="#">§ 25-65(c)</a> .	
Park or Playground (Publicly Owned)	See <a href="#">§ 25-65(c)</a> .	
Place of Worship	1 space per four fixed seats in the main assembly room or 1 space per four persons at maximum capacity, whichever is greater	
Place of Worship, Administrative Offices	1 space per 400 square feet	1 space per 300 square feet
Recreational Development	For indoor facilities, one space for each three persons at maximum building capacity. For any outdoor facility, see <a href="#">§ 25-65(c)</a> .	
Rescue Facility, Private	1 space per 300 square feet	1 space per 200 square feet
Theater or Art Exhibition Space, Indoor	1 space for each four persons at maximum building capacity	
<b>Commercial, Office, and Mixed Uses</b>		
Amusement Facility, Indoor	See <a href="#">§ 25-65(c)</a> .	
Amusement Facility, Outdoor	See <a href="#">§ 25-65(c)</a> .	
Animal Facility, Major	1 space per 300 square feet	
Animal Facility, Minor	1 space per 300 square feet	

**Article IX: Parking, Access, and Mobility Standards**  
 § 25-65: Off-Street Parking Requirements

**TABLE 65-1: NUMBER OF REQUIRED OFF-STREET PARKING SPACES**

Use	Parking Space Requirements	
	Within Downtown Master Plan Study Areas	Outside of the Downtown Master Plan Study Area
Catering Establishment	1 space per 350 square feet	
Craft Brewery, Winery, or Distillery	1 space per 500 square feet of manufacturing space +1 space per 100 square feet of floor area of tap rooms or other areas where patrons are served drinks manufactured on-site.	
Day Care Center, Adult	1 space for every two adults based on maximum capacity	
Day Care Center, Child	0.5 spaces per employee	1 space per employee +1 space per classroom
Financial Institution	1 space per 300 square feet	
Gas/Fuel Station	1 space per 300 square feet of indoor floor area plus 1 space per service bay (service bay may not be counted as a parking space). Each double fuel pump station can count as one parking space toward this requirement	
Greenhouse, Commercial	1 space per 500 square feet of floor area	
Hotel	0.5 spaces per room	1 space per room
Liquor Store	1 space per 350 square feet	1 space per 250 square feet
Medical Marijuana Facility	1 space per 400 square feet	
Medical or Dental Facility	1 space per 300 square feet	1 space per 200 square feet
Motor Vehicle Repair Shop, Major	1 space per 300 square feet of indoor floor area (service bay may not be counted as a parking space).	
Motor Vehicle Repair Shop, Minor	1 space per 300 square feet of indoor floor area (service bay may not be counted as a parking space).	
Motor Vehicle Repair Shop, Minor (Private)	2 spaces per service bay/lift plus 1 space per employee on the maximum shift.	
Office, General	1 space per 400 square feet	1 space per 300 square feet
Parking Lot or Structure	None required	
Personal and Commercial Service	1 space per 350 square feet	1 space per 250 square feet of floor area, or two spaces per station/chair, whichever is greater
Restaurant	1 space per 100 square feet of floor area	
Retail Business	1 space per 350 square feet	1 space per 250 square feet
Tattoo Studio	2 spaces per chair or station	
Tobacco or Vapor Product Store	1 space per 350 square feet	1 space per 250 square feet
Vehicle Sale and Rental	1 space per 200 square feet of indoor floor area	
Vehicle Wash	1 space per washing bay (washing bay may not be counted as a parking space)	
<b>Industrial Uses</b>		
Central Mixing Plant	See <a href="#">Table 65-2.</a>	
Dry-Cleaning Plant	See <a href="#">Table 65-2.</a>	
Light Manufacturing	See <a href="#">Table 65-2.</a>	
Research and Development Organization	See <a href="#">Table 65-2.</a>	
Self-Storage Facility	1 space per 200 square feet of indoor office space.	
Storage or Warehousing Firm, Indoor	See <a href="#">Table 65-2.</a>	

<b>TABLE 65-1: NUMBER OF REQUIRED OFF-STREET PARKING SPACES</b>		
<b>Use</b>	<b>Parking Space Requirements</b>	
	<b>Within Downtown Master Plan Study Areas</b>	<b>Outside of the Downtown Master Plan Study Area</b>
Truck Freight Terminal	See <a href="#">Table 65-2.</a>	
Utility Substation	4 spaces	
Wholesale Business	See <a href="#">Table 65-2.</a>	

<b>TABLE 65-2: REQUIRED PARKING SPACES FOR INDUSTRIAL USES</b>		
The total number of required spaces is cumulative based on the variety of different functions present in a single use as established below		
Office or Administrative Area		1 space per 300 square feet of floor area
Indoor Sales Area and Displays of Goods Manufactured on Site		1 space per 300 square feet of indoor floor area
Indoor Areas Used for Storage, Warehousing, Assembly, Vehicular Service, or General Manufacturing Activities	1-3,000 square feet of floor area	1 space per 300 square feet of floor area
	3,001-5,000 square feet of floor area	1 space per 500 square feet of floor area
	5,001-10,000 square feet of floor area	1 space per 750 square feet of floor area
	10,001 or more square feet of floor area	1 space per 1,250 square feet of floor area
Outdoor Storage Area (3,000 square feet or less)		1 space per 1,500 square feet of outdoor space
Outdoor Storage Area (more than 3,000 square feet)		1 space per 2,500 square feet of outdoor space

**(c) Uses with Variable Parking Demand Characteristics**

Uses that reference this subsection in [Table 65-1](#) have widely varying parking demand characteristics, making it difficult to establish a single off-street parking standard. Applicants that propose a use subject to this subsection shall submit information with their application on the size of building, potential employment, proposed seating, applicable fire capacity information and similar information along with justification on how the proposed number and design of parking spaces is sufficient for the proposed use. The Director of Public Services shall have the authority to review the proposed number of parking spaces based on the information submitted by the applicant and any estimates of parking demand based on recommendations of the American Planning Association (APA), the Urban Land Institute (ULI) and/or the Institute of Traffic Engineers (ITE). The Director of Public Services shall review such information and make a recommendation to the Planning and Zoning Commission on the proposed number of parking spaces when the application is subject to review by any review board or shall make a decision on the proposed number of parking spaces when the application is administratively approved by the Director of Public Services.



**(d) Parking for Persons with Disabilities**

- (1) Parking spaces designated for persons with disabilities shall be located on the shortest possible accessible circulation route to an accessible entrance to the building. In separate parking structures or lots that do not serve a particular building, parking spaces for disabled persons shall be located on the shortest possible pedestrian route to an accessible pedestrian entrance of the parking facility.
- (2) The minimum required number of accessible parking spaces established in [Table 65-3](#) shall be included as parking spaces satisfying the number of required parking spaces in [Table 65-1](#) and [Table 65-2](#).

<b>TABLE 65-3: REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES</b>	
<b>Total Parking Spaces in Lot</b>	<b>Required Number of Accessible Spaces</b>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and more	20 plus 1 for each 100 parking spaces over 1,000 parking spaces

- (3) In no case shall the number of accessible spaces be reduced below any requirements of the Americans with Disabilities Act or state law.
- (4) One space in every four required accessible spaces shall be lift van accessible, but in no case shall there be less than one lift van accessible space.
- (5) Accessible parking spaces shall be not less than nine feet wide by 19 feet long with a minimum five-foot access aisle adjacent to each space. Lift van accessible spaces shall have an access aisle that is a minimum of eight-foot wide. Universal parking spaces 12-foot wide with an adjacent five-foot wide access aisle may be used to satisfy the requirement for accessible parking, including lift van accessible parking spaces. The access aisle space may be shared between two accessible spaces.
- (6) The universal symbol of accessibility shall be painted on the surface of the parking space. Accessible parking spaces shall be designated as reserved by a blue sign showing the universal symbol of accessibility in white mounted 60 inches above the finished grade of the parking space. The sign shall include the required fine in accordance with , Chapter 14, Article VI of the City of Kirkwood Municipal Code. All van accessible spaces shall be marked with an additional sign stating "Lift Van Accessible Only" mounted directly below the accessible parking sign.

**(e) Alternative Parking Solutions**

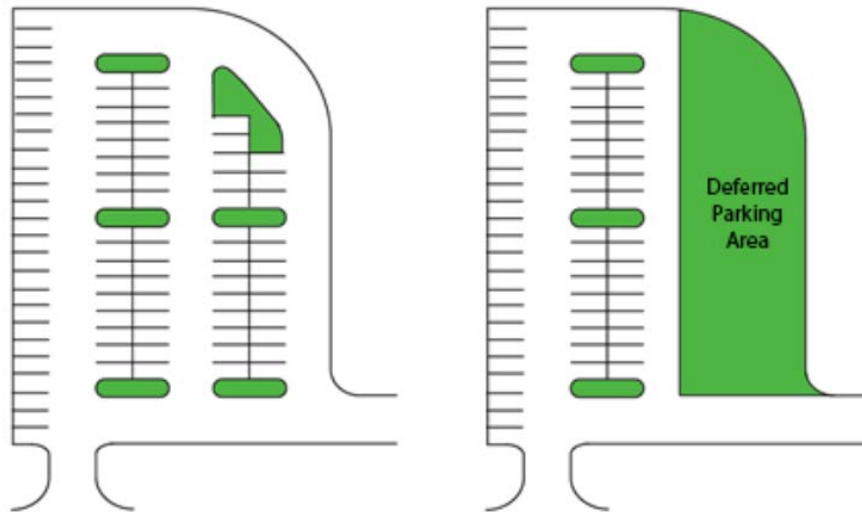
The total amount of parking spaces required in [§ 25-65](#) may be reduced by utilizing one of the following alternative parking solutions.

**(1) Off-Site Parking**

Off-site parking for certain uses may be as authorized as an accessory use in [Article V: Accessory Uses and Structures](#).

**(2) Deferred Construction of Required Spaces in the Industrial District**

If the number of parking spaces required in [Table 65-1](#) or [Table 65-2](#) is substantially larger than the number anticipated by the applicant and the applicant provides sufficient evidence that supports the reduced parking needs, an application may be approved with an allowance for the construction of a lesser number of parking spaces provided that:



*Figure 65-A: The parking lot shown on the left is a traditional parking lot with interior parking islands while the parking lot on the right illustrates where an area is unimproved but is designated for future parking spaces if the demand arises.*

- (i)** The parking plan submitted with the application shall denote the location and layout of that portion of the parking area that currently is deemed not required. The plan shall indicate that the deferred parking spaces will be constructed according to these regulations in the event that the Director of Public Services determines at any time that all or any portion of this parking is necessary.
- (ii)** The applicant shall be required to provide a plan or drawings that shows the site is designed for full compliance with the applicable stormwater regulations, lighting regulations, and landscaping regulations as if the entire parking area were to be constructed even though a portion of the parking area may not be constructed initially.
- (iii)** At no time shall any portion of the required parking area that is so designated for future vehicular use area construction be used for the construction of any other structure or paved surface unless in compliance with the original plans identified above. Such construction of the deferred vehicular use area shall require a site plan approval with associated performance guarantee required.
- (iv)** At no time shall any portion of the required parking that is so designated for future construction as provided herein be counted as open space or other non-paved areas required by other provisions of this code.

- (v) The owner of record shall be required to begin construction of the approved deferred parking area(s), as identified on the approved parking plan, within six months of written notice from the Director of Public Services, identifying that such parking is determined to be necessary. Such determination may be made:
  - a. When the Director of Public Services is reviewing an application related to a change of use or activity on the lot; or
  - b. When the Director of Public Services documents that vehicles related to the use are consistently parked on the grass, landscaping area, on other properties, or on the street.
- c. No more than 50 percent of the required off-street parking spaces required by [Table 65-1](#) or [Table 65-2](#) may be deferred in accordance with this section.
- d. Construction of the deferred parking area must be completed within one year of the written notice identified in [§ 25-65\(e\)\(2\)\(v\)](#) above. Failure to construct the remaining parking area within the applicable timeframe shall be considered a violation of this code.

**(3) Shared Parking Facilities**

Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate off-street parking facilities for each building, structure, or use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use and as provided below.

- (i) Not more than 50 percent of the parking spaces required for theaters and amusement facilities, and up to 100 percent of the parking spaces required for a place of worship may be provided by and used jointly with the following provided, however, that written agreement, assuring the retention for such purpose, shall be properly drawn and executed by the parties concerned, approved as to form and execution by the City Attorney, and filed with the application for a building permit.
  - a. Financial institutions;
  - b. General offices;
  - c. Retail businesses,
  - d. Personal and commercial service establishments; and
  - e. Similar uses not normally open, used or operated during the same hours as theaters, amusement facilities, or places of worship.
- (ii) In addition to the shared parking opportunities mentioned above, developments that propose shared parking between multiple uses are permitted to utilize [Table 65-4](#) to calculate a reduced parking requirement. [Table 65-4](#) acknowledges that the demand for parking for certain uses varies based on time of day and day of week. Said reduction is meant to encourage shared efficiencies of complementary uses and to discourage the overdevelopment of surface parking.
- (iii) [Table 65-4](#) illustrates the calculation table for determining the required number of parking spaces under a shared parking allowance. The following are the definition of symbols and related calculations.

**Article IX: Parking, Access, and Mobility Standards**  
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- a. The [A] symbol shall be the input of the number of required parking spaces based on the uses that will utilize the shared parking as determined by using [Table 65-4](#).
  - b. The [B] symbol is the calculation of applying the applicable ratio against the required number of parking spaces in [A].
  - c. The [C] symbol is the sum of parking spaces required based on the column above said symbol.
- (iv) The minimum number of parking spaces required for a shared parking facility shall be the largest number resulting in the [C] calculation row.

TABLE 65-4: SHARED PARKING													
Use Utilizing Shared Parking	Required Parking Spaces	Monday through Friday 8:00 a.m. to 6:00 p.m.		Monday through Friday 6:00 p.m. to 12:00 midnight		Monday through Friday 12:00 midnight to 8:00 a.m.		Saturday through Sunday 8:00 a.m. to 6:00 p.m.		Saturday through Sunday 6:00 p.m. to 12:00 midnight		Saturday through Sunday 12:00 midnight to 8:00 a.m.	
			[B]		[B]		[B]		[B]		[B]		[B]
Residential Uses	[A]	60%	[B]	100%	[B]	100%	[B]	80%	[B]	100%	[B]	100%	[B]
Hotels	[A]	70%	[B]	100%	[B]	100%	[B]	70%	[B]	100%	[B]	100%	[B]
Commercial													
Food Service	[A]	70%	[B]	100%	[B]	10%	[B]	70%	[B]	100%	[B]	20%	[B]
Office or Industrial Uses	[A]	100%	[B]	20%	[B]	5%	[B]	5%	[B]	5%	[B]	5%	[B]
All Other Uses	[A]	90%	[B]	80%	[B]	5%	[B]	100%	[B]	70%	[B]	5%	[B]
Recreation and Assembly Uses	[A]	60%	[B]	100%	[B]	100%	[B]	80%	[B]	100%	[B]	100%	[B]
All Other Uses	[A]	70%	[B]	100%	[B]	100%	[B]	70%	[B]	100%	[B]	100%	[B]
Total Required Spaces			[C]		[C]		[C]		[C]		[C]		[C]

- (v) For the purposes of [Table 65-4](#), the following is a clarification on the uses:
- a. Residential uses shall include any residential use permitted in [Table 35-1](#) with more than 12 dwelling units or beds.
  - b. Food service shall include restaurants and craft breweries, wineries, and distilleries.
  - c. The classification of “all other uses” under the commercial category or as applicable to the entire table shall be as determined by the Director of Public Services, based on whether parking for the proposed use would be compatible to a shared parking facility.

- d. Recreation and assembly uses shall include amusement facilities, educational institutions with areas or structures for large assemblies or recreation (e.g., auditoriums, stadiums, etc.), outdoor recreation, recreational development, places of worship, theaters, and similar uses with areas that can accommodate large number of people in assembly during limited hours.

**(f) Design of Off-Street Parking Areas**

- (1) Off-street parking areas shall be designed and constructed in accordance with the following requirements.
- (2) The dimension of single-family parking spaces shall be 9 feet by 19 feet. The locational requirements for the parking spaces are established in [§ 25-64\(b\)\(3\)](#) and are not subject to the design requirements of this subsection.

**(3) Access to Parking**

Access to parking areas shall be provided as follows for all parking areas other those for single-family and two-family dwelling units:

- (i) Parking areas shall provide suitable maneuvering area so that vehicles enter from, and exit to, a public street in a forward direction only.
- (ii) Parking lots shall be designed to prevent access at any point other than at designated access drives.

**(4) Parking Space Dimensions**

- (i) Each parking space shall have direct and unrestricted access to an aisle of the minimum width set out in [Table 65-5](#) and illustrated in [Figure 65-B](#).

<b>TABLE 65-5: PARKING STALL AND AISLE DIMENSIONS</b>			
	<b>A = Parking Angle/Type</b>		
	<b>45°</b>	<b>60°</b>	<b>90°</b>
B = Stall width (in feet)	9.0	9.0	9.0
C = Vehicle projection (in feet)	19.7	21.0	19.0
D = Aisle width (in feet)	12.5	17.5	22.0
E = Curb length per stall (in feet)	12.7	10.5	9.0
F = Width of bay (in feet)	51.9	59.5	60.0
G = Width of bay, double (in feet)	45.6	55.0	60.0
H = Width of double stalls (in feet)	33.1	37.5	38.0

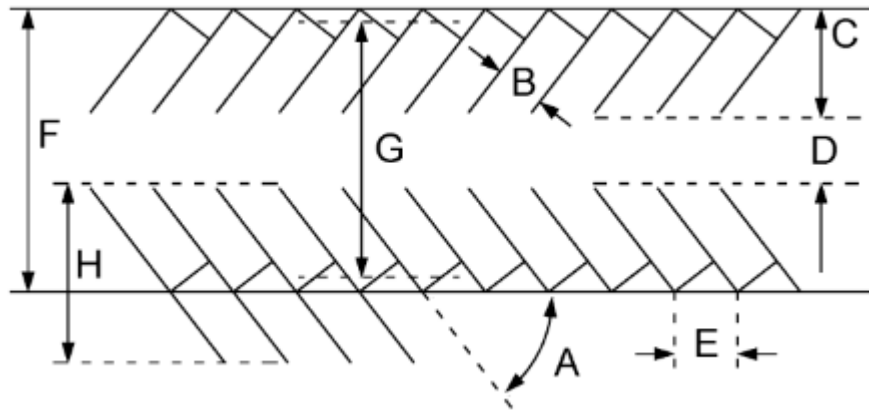


Figure 65-B: Illustration of parking angles and related dimensional references.

- (ii) The Director of Public Services or the City Council, after recommendation from the Planning and Zoning Commission, may authorize a reduction in the stall depth where the parking stall fronts along a curbed perimeter and where there is sufficient clearance between the curb and vehicle overhang that will not result in an obstruction to pedestrians on adjacent sidewalk or required landscaping. [Table 65-6](#) identifies the reduction that may be applied.

TABLE 65-6: PARKING STALL REDUCTIONS AND OVERHANG		
Parking Stall Angle	Allowable Reduction in Stall Depth	Minimum Overhang Clearance
45°	1 foot 6 inches	2 feet 6 inches
60°	1 foot 9 inches	2 feet 9 inches
90°	2 feet 0 inches	3 feet 0 inches

- (iii) Parallel parking spaces shall have a minimum width of nine feet and a minimum length of 22 feet adjacent to a minimum 12.5-foot wide aisle.
- (iv) A minimum aisle width of 22 feet shall be provided for all two-way traffic aisles. One-way traffic aisles shall provide a minimum width in accordance with [Table 65-5](#) except for aisles or lanes designated by the Fire Department for access that shall be a minimum of 20 feet wide.

§ 25-66. Vehicle Queuing Lanes

- (a) Drive-through facilities and other establishments which, by their nature, create lines of customers waiting to be served within vehicles, shall provide off-street queuing lanes, on the same lot as the use, in addition to the required number of parking and loading spaces established in this article. Said facilities shall not conflict with the required parking spaces or aisles.
- (b) [Table 66-1](#) establishes the required size and location of queuing lanes.

<b>TABLE 66-1: QUEUING SPACE REQUIREMENTS</b>		
<b>Activity</b>	<b>Minimum Size of Queuing Lane (Per Lane)</b>	<b>Measured From:</b>
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 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.

<b>TABLE 67-1: REQUIRED NUMBER OF BICYCLE RACKS</b>	
<b>Proposed Use</b>	<b>Number of Bicycle Racks Required</b>
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.

- (2) Whenever a building or use constructed or established prior to January 3, 2019, which requires a site plan review or special use permit, is changed or enlarged in a way that requires additional vehicle parking, bicycle parking shall be provided on the basis of the enlargement or change.

**(d) Bicycle Rack Location**

- (1) Required bicycle racks shall be located:
  - (i) Outside the building served in a highly visible, active, well-illuminated area;
  - (ii) Within 500 feet of a main building entrance; and
  - (iii) On private property unless otherwise approved by the Director of Public Services.
- (2) If bicycle racks are not visible from the abutting street or the public building entrance, signs must be posted indicating their location.
- (3) Bicycle racks located within a parking structure or parking lot shall be clustered, clearly marked, and separated from motor vehicles by a physical barrier.
- (4) Bicycle racks located within parking structures must be located on the ground level or level closest to the primary pedestrian entrance. Bicycle racks may also be located in a secured room or cage.

**(e) Bicycle Rack Design**

- (1) Inverted-U-type, A-type, and post-and-loop-type bicycle racks are permitted. See [Figure 67-A](#). Alternative, creative styles may be approved by the Director of Public Services.

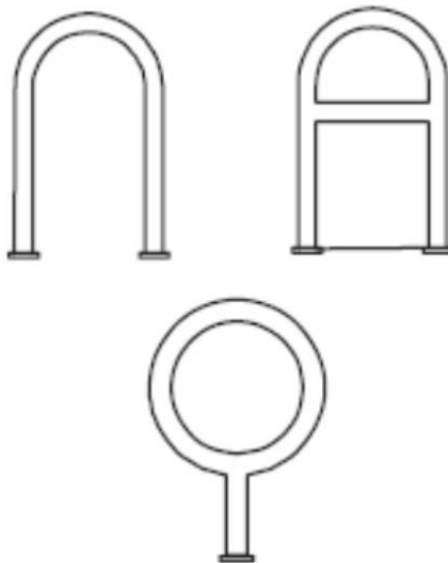


Figure 67-A: Illustrations of permitted bicycle racks that include the Inverted U-type (top left), A-type (top right), and post-and-loop type (bottom)

- (2) Bicycle racks shall be made of solid construction, resistant to rust, corrosion, hammers, and saws.
- (3) Each bicycle rack shall support a parked bicycle by the frame in two places, allowing both the frame and one or both wheels to be secured using a standard U-lock.
- (4) Each bicycle rack shall provide parking for two bicycles.



- (5) Each bicycle rack shall be anchored to an approved hard surface (i.e., asphalt, concrete, pavers, or similar material). The hard surface surrounding each bicycle rack shall measure at least six feet by six feet in size.

**(f) Bicycle Rack Spacing**

- (1) Bicycle racks shall be located at least three feet in all directions from any obstruction, including but not limited to other bicycle racks, walls, doors, posts, columns, or landscaping.
- (2) If provided, aisles between rows of bicycle racks must be a minimum of three feet wide, as measured from tip to tip of bike tires across the space between racks.

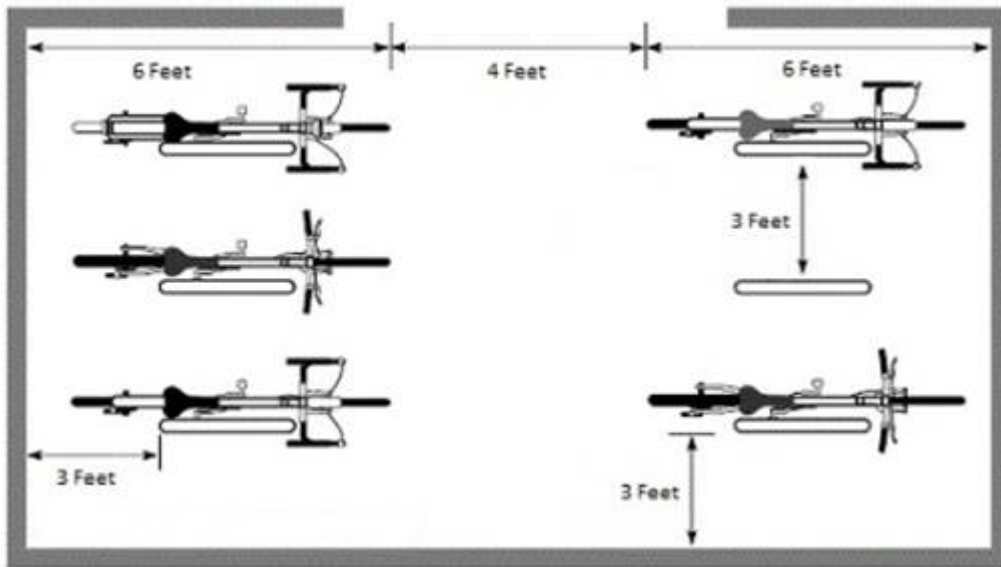


Figure 67-B: Illustrative example of bicycle rack spacing

**(g) Alternative Compliance**

The City Council may approve alternative compliance from the provisions of this section, which may include, but need not be limited to, a reduction or deviation in the number, type, or location of the required bicycle racks, and may include a waiver of the requirement. Considerations used in the determination to grant or deny alternative compliance may include, but are not limited to, existing site constraints, proximity to existing bicycle parking, and the nature of the proposed building or use.

§ 25-68. Off-Street Loading Requirements.

Loading and unloading facilities shall be provided prior to occupancy of every nonresidential building hereafter erected, altered, or to be occupied by a new user, and shall be maintained as long as such building is occupied or unless equivalent facilities are provided in conformance with the regulations of this article.

- (a) Off-street loading spaces shall be a hard-surfaced area of land, open or enclosed, other than a street or public way, used principally for the standing, loading or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets and alleys. Loading spaces may overlap or conflict with required parking spaces when in the opinion of the Director of Public Services, the required loading space would not normally be used at the same time as the parking.

- (b) In addition to the surfacing requirements of [§ 25-64\(i\)](#), all off-street loading spaces shall be improved with a compacted rock base not less than eight inches thick and surfaced with asphaltic concrete not less than four inches thick or concrete not less than seven inches thick.
- (c) Loading spaces shall be set back a minimum 50 feet from any property in a residential zoning district unless completely enclosed by building walls, or a uniformly painted solid noncombustible fence or wall, or any combination thereof not less than six feet in height. No permitted or required loading space shall be located within 50 feet of the nearest point of intersection of any two streets.
- (d) Off-street loading spaces shall be designed not to obstruct nor interfere with the use of any street, alley or adjoining property. Off-street loading spaces shall not be located on public right-of-way and are discouraged from being within a front yard.
- (e) The minimum size and number of off-street loading and unloading spaces shall depend upon the size of the building to which they are appurtenant, as established in [Table 68-1](#).
- (f) All loading spaces shall be located on the same lot as the use served, in a manner that enables the orderly and safe movement of trucks.
- (g) The Director of Public Services may waive loading/unloading requirements based on the character of the proposed use or the impracticality of adding loading/unloading areas to existing buildings.

<b>TABLE 68-1: MINIMUM NUMBER OF LOADING SPACES REQUIRED</b>		
<b>Gross Floor Area of Building (Square Feet)</b>	<b>Size of Loading Space (Feet x Feet)</b>	<b>Number of Spaces Required</b>
0 to 7,999	None Required	None Required
8,000 to 15,999	10 x 25	1
16,000 to 23,999	12 X 40	1
24,000 to 60,000	12 X 40	2
Each additional 50,000 over an initial 60,000 square feet	10 X 40	1

§ 25-69. Sidewalks, Trails, Pedestrian Connections, and Bike Paths

**(a) Public Sidewalks and Bike Trails**

**(1) New Sidewalks, Trails, and Bike Paths as Part of a Subdivision**

- (i) In all new subdivisions, sidewalks shall be built along both sides of streets within the new subdivision and on the subdivision side of adjoining streets unless the applicant receives approval of a subdivision modification.
- (ii) Sidewalks should be placed in the right-of-way with the edge of the sidewalk parallel to the right-of-way, to the maximum extent feasible.
- (iii) There shall be a minimum of one foot located between the back of the sidewalk and the lot line to the maximum extent feasible.

- (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 between four and eight percent. No calcium chloride accelerating admixture shall be added to the concrete. The minimum 28-day compressive strength shall be 3,500 psi.
- (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;
- f. Preservation of significant site vegetation;
- g. Preservation of natural features, such as large trees, unusual rock formations, watercourses, historical significances, and similar assets;

- h.** Conditions peculiar to a site; and
- i.** Public safety and convenience.

If the City Council, after recommendation from the Planning and Zoning Commission, determines sidewalks are not feasible, the developer shall pay the subdivision sidewalk waiver fee or, in lieu of the fee, the City Council may require enhanced features to the subdivision that increase connectivity of approximate equal value.

**(2) New Sidewalks Not Part of a Subdivision**

- (i)** New public sidewalks constructed to meet the construction standards identified in [§ 25-69\(a\)\(1\)](#), shall be required along the street frontage of any lot being developed when the following conditions exist:
  - a.** The development includes new construction on a vacant lot, a complete redevelopment of an existing principal building (e.g., the principal building is torn down and replaced), or an existing building is expanded by 100 percent of the existing floor area; and
  - b.** A public sidewalk exists in the public right-of-way on any lot adjacent to the lot being developed or the Kirkwood Pedestrian and Bicycle Plan includes recommendations for sidewalks on the proposed site.
- (ii)** The Director of Public Services may waive the sidewalk requirement of this section in cases where there is not enough existing right-of-way for the public sidewalk or the proposed sidewalk will not make a useful connection that will further the goals of the Kirkwood Pedestrian and Bicycle Plan.

**(b) Internal Pedestrian Access**

- (1)** Where a sidewalk exists in a public right-of-way adjacent to a proposed nonresidential use, or where a sidewalk is required to be constructed as part of the applicable development approval, a paved pedestrian connection shall be constructed from the sidewalk to the entrance of the building.
- (2)** The pedestrian connection shall have a minimum width of four feet with a minimum of 30 inches of vehicle clearance on either side of the sidewalk.



*Figure 69-A: This photograph illustrates how a sidewalk connecting the public sidewalk to the business can be integrated into the required landscaping.*

- (3) All pedestrian walkways located within a site (internal pedestrian circulation) shall be physically separated from the drive lanes and driveways. Additionally, all sidewalks and crosswalks shall be constructed of an impervious surface and shall be visually distinct from the driving surface by use of pavers, color, bricks, scored concrete, or other material approved by the Director of Public Services. See [Figure 69-A](#).

## 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 St. Louis County Department of Transportation, 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 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 Transportation, and Missouri Department of Transportation 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\(j\)](#).
- (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 Transportation, and Missouri Department of Transportation.

**(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.
- (f)** The parties executing the performance guarantee shall be firmly bound for the payment of all necessary costs therefor.
- (g)** Unit prices used in the engineers cost estimate shall be based upon unit costs associated with public contracting (i.e., prevailing wage rates).
- (h)** Performance guarantees shall be made payable to the City of Kirkwood and be acceptable to the City Engineer and the City Attorney.



(i) Incomplete improvements that the City Engineer determines will constitute a safety hazard or maintenance issue, or will prevent the effective functioning of the improvements, shall be required to be completed prior to the approval of a final plat.

**(j) Types of Performance Guarantees**

The following are the types of performance guarantees allowed by the City. The standards for each type of guarantee shall apply to any situation where a performance guarantee is required, regardless if it is related to a subdivision application or not.

**(1) Irrevocable Letter of Credit**

The following standards shall apply if an irrevocable letter of credit is utilized as a performance guarantee:

- (i) The subdivider shall provide an irrevocable letter of credit from a bank or other reputable institution or individual subject to the approval of the City Attorney and City Engineer.
- (ii) The letter shall be deposited with the City, and shall certify the following:
  - a. The creditor guarantees funds in an amount equal to the cost, as estimated in accordance with [§ 25-75\(c\)](#) for completion of all required improvements.
  - b. In the case of failure on the part of the subdivider to complete the specified improvements within the required time period, the creditor shall pay to the City immediately and without further action such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.
  - c. This irrevocable letter of credit may not be withdrawn or reduced in amount until released by the City Engineer in accordance with this article.

**(2) Certified Check, Wire Transfer, or Cash Deposit**

The following standards shall apply if cash is utilized as a performance guarantee:

- (i) The subdivider shall provide a certified check, wire transfer, escrow to a third-party escrow account, or cash deposit for the amount of the guarantee, payable to the City of Kirkwood.
- (ii) When the improvements are complete, the City shall issue a check for the released amount based on this subsection.
- (iii) The City shall not be responsible for paying interest for the period of time the City retains the guarantee.

**(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 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.
- (3) The natural topography shall be retained wherever possible in order to reduce excessive stormwater runoff onto adjoining property and to avoid extensive regrading of the site.
- (4) The location and floor elevations of all proposed buildings shall be carefully studied in relation to proposed street grades, existing topography, trees, and pertinent site features in order to preserve all such features insofar as possible and desirable.
- (5) Consideration shall be given to increasing the setback or front building line from that required in the zoning district in which the subdivision is located in order to retain, whenever possible, existing topography, rock formations, large trees, natural features, natural watercourses, historical sites, or other similar assets.
- (6) The buildable area of a lot shall not be within 50 feet of the center line of an existing watercourse.

- (7) To protect adjacent and downstream property from the effects of erosion and siltation, the Planning and Zoning Commission or City Council may require common ground be preserved in a natural state for areas within 35 feet of the center line of an existing watercourse or on slopes of 25 percent or greater grade.
- (8) The minimum area of any parcel of land designed as common ground shall be 5,000 square feet and have a minimum 20-foot wide access to public right-of-way. There may be more than one parcel of common ground in a subdivision; however, each parcel shall have no less than the foregoing minimum area. Common ground located within cul-de-sacs shall be exempt from this requirement.
- (9) If construction activities disturb land or entail the grading or excavation of a surface area of five acres or greater, a land disturbance permit shall be obtained from the Department of Natural Resources.

**(e) Subdivision Names**

The proposed name of the subdivision shall not duplicate or too closely approximate phonetically, the name of any other subdivision in the City of Kirkwood or St. Louis County. The City shall have final authority to designate the name of the subdivision.

**(f) Street Lights**

- (1) Provision shall be made by the subdivider for the installation of streetlights along all public streets within the subdivision. A streetlight shall be provided at each intersection of streets, at each intersection of a street with a pedestrian walkway, at each circular turnaround, and at intervals of not greater than 300 feet between such locations.
- (2) Streetlights shall be mounted on ornamental concrete or steel poles serviced by underground wiring and shall conform to the recommendations of the City Engineer, as approved by the Planning and Zoning Commission, for each installation.
- (3) When located in the service area of Kirkwood Electric, electric current for streetlighting will be provided by the City of Kirkwood, without cost to the property owners in the subdivision and does not in any way pertain to or effect the costs associated with the installation of streetlighting, fixtures, etc.

**(g) Monuments, Marks, and Benchmarks**

- (1) A complete survey shall be made by a registered surveyor.
- (2) Permanent survey monuments shall be set as follows:
  - (i) At the intersection of all lines forming angles in the boundary of the subdivision; and
  - (ii) At the intersection of street property lines and at the beginning and end of all curves along street property lines.
- (3) Unless the point is located by monument, markers shall be set as follows:
  - (i) At all points where lot lines intersect street right-of-way lines;
  - (ii) At all angles in the lot property lines; and
  - (iii) At all other lot corners.
- (4) Monuments shall be approved by the Director of Public Services or shall be constructed of concrete with minimum dimensions of four inches by four inches at the top and six inches by six inches at the bottom with a length of three feet. They shall be marked with either a copper or steel dowel embedded so that the top of the dowel shall be flush with the top surface at the center of the monument. Monuments shall be set so that the bottom extends at least four inches below frost line.

- (5) Markers shall consist of galvanized steel or wrought iron pipe, or steel bars at least 18 inches in length and 3/4 of an inch in outside diameter.
- (6) Monuments and markers shall be so placed that the center point shall coincide with the point to be marked and the top is level with the surface of the surrounding ground after final grading.
- (7) Monuments and markers shall be set after the completion of all grading operations and in such manner as to preclude their destruction during subdivision construction activities.
- (8) Where a permanent benchmark is not located within 1,000 feet of the center of the subdivision and so noted on the final plat, a permanent bench mark, elevation of which is referred to mean sea level, shall be set and accurately noted on the subdivision plat.

§ 25-77. Privately Developed Facilities.

Where a subdivision or development is to contain pavements, walks, sewers, sewage treatment facilities, water supply systems, park areas, or other physical facilities that will not be owned, operated or maintained by existing public agencies, provision shall be made by trust agreement, which is part of the deed restrictions and which is acceptable to the proper public agencies having jurisdiction, for the continuing maintenance, supervision, operation, reconstruction of such facilities by the property owner or the lot owners of a subdivision, as applicable.

§ 25-78. Lots.

The following regulations shall govern the design and layout of lots.

- (a) The size, shape, and orientation of lots and the orientation of structures shall be designed to provide desirable building sites logically related to topography, natural features, streets, parking areas, common land (if any), other structures, and adjacent land uses. Due regard shall be given to preserving natural features that would add attractiveness and value to the neighborhood such as large trees, unusual rock formations, watercourses, and sites that have historical significance, scenic views, and similar assets.
- (b) Lots shall be more or less rectangular in form; triangular, elongated, or other shapes that restrict its use as a building site shall be avoided to the maximum extent feasible.
- (c) All lots shall conform to, or exceed, the requirements of the site development standards for the applicable zoning district (See [0](#) and [§ 25-49](#).) or the community unit plan regulations (See [Article IV: Community Unit Plans](#).)
- (d) All lots shall abut and have access to a public street on a public right-of-way dedicated to the City of Kirkwood, St. Louis County, or the State of Missouri.
- (e) Multiple frontage lots should not be platted except that, where desired along major streets, lots may face on an interior street and back onto such thoroughfare. In the event multiple frontage lots are created on adjacent property, appropriate screening shall be approved by the Planning and Zoning Commission.
- (f) Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets.
- (g) Lot lines at street intersections shall be rounded with a minimum radius of 25 feet.
- (h) **Buildable Area of a Lot**  
In the R-1, R-2, R-3, and R-4 zoning districts, the buildable area of a lot shall accommodate a rectangle with the front, back, and sides of the rectangle equal to the dimensions established in [Table 78-1](#).

<b>TABLE 78-1: BUILDABLE AREA REQUIREMENT</b>		
<b>Zoning District</b>	<b>Front and Back of the Buildable Area Rectangle</b>	<b>Sides of the Buildable Area Rectangle (Each Side)</b>
R-1	Front and back of the buildable area rectangle shall each be equal to one-half of the minimum lot width requirements for the applicable zoning district.	36 feet
R-2		32 feet
R-3		28 feet
R-4		24 feet

§ 25-79. Blocks.

The following regulations shall govern the design and layout of blocks.

- (a) The arrangement of blocks shall be such as to conform to the street planning criteria set forth in [§ 25-81](#) and shall be arranged to accommodate lots and building sites of the size and character required for the applicable zoning district as set forth in this code.
- (b) Subdivisions designed for residential uses shall be designed with blocks of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a limited access highway or railroad right-of-way.
- (c) Blocks that will contain multi-family dwellings or nonresidential uses shall be adequate to accommodate the building sites and provide the yards, setbacks, service drives, off-street parking, and other required facilities, and shall be designed for unit development and not necessarily according to the typical lot and street pattern.
- (d) Blocks shall have a maximum length of 1,250 feet.
- (e) In reviewing the subdivision plat, the Planning and Zoning Commission and City Council can modify these requirements for blocks that will be located adjacent to nonresidential uses or where there are unusual topographic or natural features.
- (f) Within blocks proposed at more than 700 feet in length the Planning and Zoning Commission may require, at or near the middle of the block, a public walkway connecting adjacent streets or public areas, shopping centers, etc. Such walkway shall be at least 10 feet in width of right-of-way and shall be dedicated to public use for pedestrian purposes only.
- (g) Irregularly shaped blocks, those intended for cul-de-sac or loop streets, and those containing interior parks or playgrounds, may be approved if properly designed and located and if the maintenance of interior public spaces is covered by agreements.

§ 25-80. Nonresidential Subdivisions.

In addition to the principles and standards of this article that are appropriate to the planning of all subdivisions, the subdivider of a subdivision intended for nonresidential use shall demonstrate to the satisfaction of the Planning and Zoning Commission and City Council that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated, and is compatible with other uses in the vicinity. For such proposals, the following principles and standards shall be observed:

- (a) Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated.
- (b) The Planning and Zoning Commission or City Council may impose special requirements with respect to street, curb, gutter, streetlight, planting, sidewalk, utility, and other improvements to meet special needs.

- (c) Lots that are platted adjacent to residential uses or residential zoning districts shall have increased width, depth, and/or area to provide adequate space for screening and/or buffering as required by the code. See also [Article VIII: Landscaping and Buffering Standards](#).
- (d) No public or private street shall be platted that connects to a minor existing street that has residential zoning districts on both sides.

§ 25-81. Streets and Thoroughfares.

**(a) General Design Requirements**

- (1) The street design elements of a subdivision shall be considered in their relation to existing and planned streets, topographical conditions and public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (2) The street layout shall provide access to all lots and parcels of land within the subdivision unless access is provided through easements as part of an approved planned commercial development.
- (3) Access control at major arterials and highways shall be taken into consideration in the design of the subdivision plat. The City, County or State has the right to define and limit access along major arterials or highways according to jurisdiction.
- (4) The subdivider shall provide within the boundaries of the subdivision plat the necessary right-of-way for the widening, continuance or alignment of such streets in conformity with the comprehensive plan or other applicable street plans.
- (5) Where practical, the arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas.
- (6) Where adjoining areas are not subdivided or developed, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets (i.e., provide for temporary dead-end streets where street connections can be made to the adjacent land) as required by the City Engineer.
- (7) New subdivisions shall be based on a grid or modified grid system to the maximum extent feasible.
- (8) Minor, or neighborhood streets, shall be designed so as to discourage through traffic. Subdivision streets shall be platted to allow the distribution of traffic throughout the City.
- (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 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.

**(c) General Street and Right-of-Way Design Standards**

**(1) Minimum Street Right-Of-Way, Pavement Widths, and Curb/Gutters**

- (i) Street improvements, including paving, curbs, sidewalks, preparation of subgrade, bridges, culverts, etc., shall be constructed in accordance with plans and specifications, prepared for the subdivider by a professional engineer registered to practice in the State of Missouri.
- (ii) All construction shall be completed in accordance with the approved plans and specifications and in a manner acceptable to the authorities having jurisdiction. When changes from approved plans and specifications become necessary during construction, written approval from the City Engineer shall be secured before the execution of such changes.
- (iii) The City shall not accept any street for maintenance until completion and final inspection and approval by the City Engineer.

- (iv) Prior to the construction of street or alley pavements, all subsurface utility pipes and sewers shall be installed as required, and trenches backfilled with backfill material thoroughly compacted in place in accordance with the requirements of [§ 25-86](#).
- (v) The minimum right-of-way and pavement width of public streets shall conform to the width designated in [Table 81-1](#). The Planning and Zoning Commission and City Council, in their review of the proposed subdivision or development, may vary this width when an increased width is recommended in an adopted plan or is necessary to accommodate a boulevard.
- (vi) Whenever there exists a dedicated or platted portion of a street adjacent to the tract to be subdivided or to the proposed site for development, the applicant shall dedicate by subdivision plat additional right-of-way so that such streets will have a minimum right-of-way or pavement width shown in [Table 81-1](#) or that shown in an adopted plan.
- (vii) When a proposed subdivision adjoins an existing street that does not conform to the required width established in [Table 81-1](#), a minimum of 1/2 of the required width shall be constructed as measured from the center line of the existing pavement.
- (viii) If the existing rights-of-way within a subdivision are not as specified in [Table 81-1](#) below, the subdivider shall dedicate additional right-of-way by subdivision plat so that such streets will meet the standards of this article.
- (ix) The subdivider shall be responsible for establishing the minimum right-of-way width and installing the pavement width (measured from back of curb to back of curb) required in [Table 81-1](#).



<b>TABLE 81-1: MINIMUM PAVEMENT AND RIGHT-OF-WAY WIDTHS FOR PUBLIC STREETS</b>		
<b>Street Type</b>	<b>Right-of-Way Width</b>	<b>Minimum Pavement Width [1]</b>
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.

<b>TABLE 81-2: VISIBILITY AND CURVATURE STANDARDS</b>	
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 St. Louis County Department of Transportation, except as amended herein. Design characteristics shall be at least equal to that established in [Table 81-3](#).

<b>TABLE 81-3: MINIMUM CONSTRUCTION REQUIREMENTS</b>			
	<b>Major Street</b>	<b>Collector Street</b>	<b>Minor/Local Street</b>
<b>Concrete Pavement [1]</b>			
Concrete Thickness	8 inches	8 inches	7 inches
Rolled Stone Base [2]	6 inches	6 inches	6 inches
<p>NOTES:</p> <p>[1] 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.</p> <p>[2] The rolled stone base shall be constructed of two-inch clean crushed stone.</p>			
<b>Asphaltic Concrete</b>			
Type "C" Bituminous Concrete (Pavement)	2 inches	2 inches	2 inches
Type "X" Bituminous Concrete (Base) [3] [4] [5]	10 inches	10 inches	8 inches
Rolled Stone Base	6 inches	6 inches	6 inches
<p>NOTES:</p> <p>[3] If drainable base not applied, then a 4-inch thick Type 5 Aggregate Base shall be used in all Asphaltic concrete cases.</p> <p>[4] Prime over aggregate base shall be an MC-30 cutback applied at a rate of 0.30 gallons per square yard</p> <p>[5] Tack applied between lifts of asphalt shall be SS-1h emulsion applied at a rate of 0.10 gallons per square yard.</p>			

**(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.

c. Minor or local streets shall not have a grade greater than 10 percent; however, grades up to 12 percent may be approved by the Planning and Zoning Commission and City Council for the purpose of reducing site grading.

(iv) At street intersections:

a. The grade of collector and minor streets shall not be greater than four percent for a distance of 50 feet from the center of the intersection.

b. The grade of major streets shall not be greater than three percent for a distance of 50 feet from the center of the intersection.

(v) The maximum grade of a cul-de-sac shall not be greater than five percent.

(vi) Street grades may exceed these limitations when recommended by the Planning and Zoning Commission and approved by the City Council for the purpose of conforming the street grade to the contour of the existing land to reduce overall site grading and preservation of site vegetation.

(vii) The minimum grade of any street gutter shall not be less than two percent.

**(3) Curbs and Gutters**

(i) Curbs or curbs and gutters shall be constructed in conjunction with all street pavements.

(ii) Combination curb and gutter shall be of portland cement concrete at least 18 inches wide and not less than seven inches thick where the gutter abuts the street pavement.

(iii) Curb construction for concrete pavements may be integral with the pavement, and roll-type curbs may be permitted on residential streets where no hazard to pedestrians is involved.

**(4) Street Intersections**

(i) The angle of intersection between local streets and arterial streets should not vary by more than ten degrees from a right angle. All other streets should intersect each other as near to a right angle as possible.

(ii) Intersection of more than two streets at one point shall be prohibited.

(iii) A minimum radius of 32 feet at the back of curb shall be required at all street intersections.

(iv) Not more than two streets shall intersect at any one point, unless the City Engineer advises the Planning and Zoning Commission and City Council that such an intersection can be constructed with no extraordinary danger to public safety.

(v) Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 125 feet on minor/local streets and 400 feet on collector and major streets.

(vi) If the angle of intersection of two streets is less than 60°, the radius of the arc at the intersection of the property lines shall be approved by the City Engineer. At the intersections of other streets, the property line corners shall be rounded by arcs with radii of not less than 20 feet, or chords of such arcs.

- (vii) The property line corners shall be rounded with radii of not less than 15 feet or chords of such arcs at the intersections of streets and alleys.
- (viii) Intersections of two minor/local residential streets should be designed to maintain suitable traffic volumes and speeds.

**(5) Special Street Types and Street Requirements**

The following requirements shall apply to special street types or under the specified circumstances:

**(i) Private Streets**

- a. All platted streets shall be public rights-of-way dedicated to the City of Kirkwood unless a subdivision modification is approved.
- b. If a subdivision modification is granted for private streets, the private streets shall be constructed to the same standards as public streets. Maintenance of private streets shall be the sole responsibility of the property owners or trustees of the subdivision. When streets are proposed as private, the developer shall provide a trust indenture establishing the method for providing continuous maintenance of the streets, streetlights, stormwater, and other facilities that normally occur within the right-of-way or street easement. The front yard area (building line) on a private street shall be measured from the street right-of-way line.
- c. If a private driveway easement is approved by the City Council after recommendation from the Planning and Zoning Commission as a subdivision waiver, then the building line shall in no event be less than 15 feet from any road maintenance easement, and no more than two lots shall be served by a common driveway or by a private driveway easement.

**(ii) Dead-End Streets**

- a. Permanent dead-end streets shall not be permitted.
- b. Where a subdivision adjoins un-subdivided land, a temporary turn-around shall be provided for each street more than 200 feet in length if lots front thereon, and provisions shall be made for future extension of the street and utilities and reversion of the excess right-of-way to the abutting properties and the same shall be so noted on the final plat.

**(iii) Cul-De-Sacs**

- a. A cul-de-sac street shall have a maximum length of 1,000 feet measured from the centerline of the nearest street intersection to the center of the cul-de-sac turnaround.
- b. The center line of a newly platted street shall not be located closer than 250 feet from the center diameter of a cul-de-sac except when no other public street access is available to serve the parcel being developed.
- c. For residential, minor/local streets, each cul-de-sac shall be provided with a turnaround having a minimum pavement radius of 55 feet measured from face of curb and a minimum right-of-way radius of 60 feet.

- d. The center cul-de-sac planting island shall be a maximum radius of 16 feet. An area three feet behind the curbing of the island of a cul-de-sac shall be free of obstructions.
- e. The standards for cul-de-sac streets in commercial and industrial developments shall be determined, by consulting with the City Engineer and the Planning and Zoning Commission, at the time of preliminary plat review or during development plan review.

**(iv) Half-Streets**

The dedication of new half-streets shall not be permitted. Where a dedicated or platted half-street exists adjacent to the tract being subdivided, the other half shall be platted if deemed necessary by the City Engineer.

§ 25-82. Sidewalks, Walkways, Trails, and Bikeways.

All subdivisions shall comply with the applicable requirements of [§ 25-69](#).

§ 25-83. Easements.

- (a) All underground public utility lines, wires, cables, conduits, vaults, laterals, pipes, mains, valves, and other similar distributing equipment shall be placed within easements or dedicated public ways in such a manner so as not to conflict with any other underground service previously installed.
- (b) Easements for utilities shall be provided. Such easements shall have a minimum width of 10 feet, and, where located along interior lot lines, shall normally be taken from one lot. Before determining the location of easements on the plat, the developer shall discuss the plan with the local utilities companies in order to assure proper placement for the installation of services. Adequate sewer and drainage easements, as required by Metropolitan St. Louis Sewer District, shall be provided.
- (c) The City Engineer may require a wider easement where necessary to provide adequate separation between water, sewer, and/or stormwater management facilities.
- (d) Easements may also be required across lots where engineering design or special conditions may necessitate the installation of water and sewer lines outside of public rights-of-way.
- (e) Wherever a subdivision is traversed by a watercourse, drainage channel, or stream, there shall be provided a drainage right-of-way that shall be for the purpose of widening, straightening, improving, or protecting the stream at the subdivision's expense as a part of the subdivision improvements. The width of the drainage right-of-way shall be adequate for any necessary channel relocations and straightening, and the plan shall be reviewed with and approved by the Metropolitan St. Louis Sewer District prior to final approval by the City.
- (f) Common ground easements, such as cul-de-sac islands, shall be dedicated to the trustees of the aforementioned subdivision for landscape maintenance. No aboveground structure, other than required streetlights or other public utilities in accordance with the approved improvement plans, may be constructed or installed within a cul-de-sac island without authorization by the City.

§ 25-84. Site Grading/Environmental Protection.

- (a) Grading of the subdivision site shall be done in accordance with the final improvement plans approved by the City Council unless the City Council, in its sole discretion, authorizes grading following the review of the grading plan and as part of the City Council approval of the preliminary plat. No clearing of trees eight inches or larger in caliper shall be permitted until grading is authorized by the City Council as set forth above.
- (b) A grading plan shall be included in the preliminary plat showing existing and proposed contours at intervals sufficient to clearly show the slope of the existing ground surfaces and the extent of the proposed grading. It shall be prepared on a plat showing the subdivision layout as proposed on the final plat, the location and first floor elevation of each building proposed to be built in the subdivision, and all existing trees eight-inch caliper and larger and other pertinent site features that could be affected by site grading.
- (c) The slope of the finished ground surface between lots, and between lots and streets, shall not be steeper than a ratio of two horizontal to one vertical when in cut, nor steeper than a ratio of three horizontal to one vertical in fill.
- (d) The grading plan will be examined and approved or rejected by the Planning and Zoning Commission and the City Council on the basis of factors such as preservation of the natural features of the site, providing adequate drainage of the area, protection of adjacent and downstream property from the effects of erosion and siltation, the location and gradient of streets, access to lots from streets, and similar criteria.
- (e) Interim stormwater drainage control in the form of siltation control measures shall be required to protect adjacent property and public right-of-way.
- (f) Erosion and sediment control devices shall be approved by the Department of Natural Resources if construction activity disturbs a land surface area of five acres or greater.

§ 25-85. Utilities and Other Infrastructure.

**(a) General Requirements for Utilities and Underground Facilities**

- (1) All public and common electric, cable, and telephone lines and other utilities shall be located underground and shall be placed in their own easement, shown on the final plat. These underground utility requirements shall also apply to any lines required to serve the new development that extend outside the boundary of the development. The conduits or cables shall be located within easements or public rights-of-way in separate trenches, in a manner that will not conflict with other underground services.
- (2) Installation of utility lines and appurtenances, whether above- or below ground, shall be located so as to reduce unsightliness and hazard to the public to a minimum.
- (3) Where cable, fiber optic, television, or similar services or conduit is or will be in operation, the applicant shall install cable or conduit for such service simultaneously with and in the same manner as electric and telephone cables are installed, both within the right-of-way and to individual building connections.
- (4) Whenever public improvements are installed, the open cutting of roads shall be avoided to the greatest extent practicable.
- (5) All sewer, water, and other utility pipelines shall preferably be placed outside the limits of the pavement.
- (6) Backfill for utility installation trenches shall conform to the requirements of [§ 25-86](#).

**(b) Sanitary Sewers and Sewage Disposal**

- (1) A system of sanitary sewers and appurtenance, providing a connection to each lot in the subdivision, designed in accordance with the standard specifications and requirements of the Metropolitan St. Louis Sewer District and installed under permit from and inspection of said sewer district, shall be installed in the subdivision, original construction shall include installation of house laterals to the property line for all lots in the subdivision.
- (2) Plans for the sanitary sewer system shall be prepared by a professional engineer, registered to practice in the State of Missouri, and shall carry the stamp of approval of the Metropolitan St. Louis Sewer District prior to City Council approval.
- (3) Construction of the sanitary sewer system and inspection of Metropolitan St. Louis Sewer District and, upon completion of construction, acceptance for maintenance by Metropolitan St. Louis District shall be obtained by the subdivider from the district, in accordance with the regulations and requirements of said district.
- (4) The sanitary sewer system of the subdivision, when completed, shall connect to the sanitary sewer lines of the Metropolitan St. Louis Sewer District; or, except as provided in Subsection (7) below, if such connection is impracticable, the subdivider shall provide a local sewage disposal facility for the subdivision.
- (5) Plans and specifications for such local sewage disposal facility shall be prepared for the subdivider by a professional engineer registered to practice in the State of Missouri, and the facility shall be designed and installed in accordance with the regulations of the state Board of Health and under the inspection of the St. Louis County Health Department and Metropolitan St. Louis Sewer District.
- (6) Acceptance of a local sewage disposal plant for operation and maintenance shall be by the Metropolitan St. Louis Sewer District and shall be obtained by the subdivider in accordance with the requirements of said sewer district.
- (7) In cases where no outlet to the sanitary sewer system of the Metropolitan St. Louis Sewer District is reasonably available for a two-lot subdivision development and where each lot contains a minimum of one acre, the subdivider may be permitted to install a disposal system for each lot (septic tank with disposal field). Such individual sewage disposal systems shall be erected in accordance with the regulations and requirements of the state Board of Health and under the supervision and inspection of the St. Louis County Health Department.
- (8) Backfill of trenches for sanitary sewer installations shall conform to the requirements of [§ 25-86](#).

**(c) Water Supply**

- (1) A system of water mains, valves, and fire hydrants connected to the water supply system of the City of Kirkwood shall be installed by the subdivider. The system shall be designed to supply water service and fire protection to all lots in the subdivision and to ensure proper circulation to and within the system. Materials and construction methods shall conform to those currently employed and specified by the City of Kirkwood Water Department. Water mains shall be sized and fire hydrants shall be located as required by the Insurance Services Offices of Missouri and the City of Kirkwood Fire Marshal and Director of Public Services. Fire hydrants shall be spaced no more than 600 feet apart and water mains shall be a minimum of six inches in size. Plans shall be prepared by a professional engineer, registered to practice in the State of Missouri, and shall be approved by the Insurance Services Office of Missouri and the Director of the City of Kirkwood Water Department before approval by the Planning and Zoning Commission.
- (2) The water system installed by the subdivider as proposed in this section shall, upon approval and acceptance, become at once the property of the City of Kirkwood; and the City shall have exclusive control and use thereof, subject to the right of the owners and residents of property in the area subdivided to be served thereby, under the rules and regulations of the Water Department of the City of Kirkwood.
- (3) In areas where connection to the City of Kirkwood water supply system is impractical, a separate source of water supply, approved by the state Department of Health and Department of Natural Resources shall be provided by the subdivider. Assurance of the continued availability of such approved source of water supply, acceptable to the City Council and prepared on forms approved by the City Attorney, shall be provided.
- (4) Backfill of water line trenches shall conform to the requirements of [§ 25-86](#).

**(d) Storm Sewers and Stormwater Management**

- (1) Adequate provision shall be made for the disposal of stormwater, subject to the approval of the Planning and Zoning Commission and the Metropolitan Sewer District. The detailed plans for the proper disposal of stormwater affecting the proposed subdivision, including the runoff from the area tributary as well as the area being developed, shall include such improvement as may be necessary to all open drainage channels, such as widening, straightening and paving, and a system of underground pipe sewers and appurtenances, which shall be separate and independent of the sanitary sewer system. The plans shall be prepared by a professional engineer, registered to practice in the State of Missouri, in accordance with the standard specifications and requirements of the Metropolitan St. Louis Sewer District.
- (2) Plans for stormwater facilities shall bear the stamp of the approval of the Metropolitan St. Louis Sewer District prior to approval by City Council.
- (3) The construction of stormwater facilities shall be under permit from the inspection of said Metropolitan St. Louis Sewer District, and upon completion of construction, acceptance for maintenance by said Metropolitan St. Louis Sewer District shall be obtained by the subdivider from the district, in accordance with the regulations and requirements of said district.



- (4) If stormwater detention is required by the Metropolitan Sewer District or the City of Kirkwood for single-family residential subdivisions, it shall be provided underground in pipes or chambers designed for such detention. The pipes or chambers shall be constructed of reinforced concrete and shall be covered with earth and shall not be located in the principal buildable area of any lot. Dry or wet aboveground detention shall not be permitted in single-family subdivisions. Said provision shall not prohibit the installation of above-ground water quality features approved by the Metropolitan Sewer District.
- (5) Backfill of trenches for storm sewer installations shall conform to the requirements of [§ 25-86](#).
- (6) New subdivisions shall comply with Chapter 5, Article VI (Infill Development Storm Water Management), as applicable.

**(e) Green Infrastructure**

**(1) Green Infrastructure Techniques**

- (i) The City encourages the use of green infrastructure techniques because of their connection to sustainable development practices and environmental quality. The proper use of green infrastructure can dramatically improve storm water runoff quality, decrease runoff volume, protect downstream streams and rivers, and create more interesting places to live.
- (ii) The following green infrastructure techniques may be incorporated into new subdivisions with approval from the City Engineer, provided that the applicant submits documentation that the proposed green infrastructure technique is effective and will equal or exceed the function of traditional infrastructure techniques and meet the requirements of this code:
  - a. Narrower pavement widths;
  - b. Narrower right-of-way widths;
  - c. Grassy swales and shoulders without curb and gutter;
  - d. Pedestrian walkways that do not constitute the sidewalks required by [§ 25-69](#);
  - e. Permeable pavements (e.g., pavers, permeable concrete, permeable asphalt pavement);
  - f. Bioretention swales;
  - g. Planter boxes;
  - h. Curb extensions; or
  - i. Other techniques.

**(2) Criteria for Green Infrastructure Waivers**

The City Engineer may grant a green infrastructure waiver for use of the green infrastructure techniques provided:

- (i) The techniques will utilize the landscape or nature's ability to reduce, slow, filter, and/or absorb storm water runoff from streets, parking lots, and buildings in a method that equals or exceeds the existing infrastructure requirements of the City;
- (ii) The techniques are consistent with best management practices; and

- (iii) The technique has been designed by a professional engineer and is accompanied by documentation stating that the proposed technique does not pose a threat to the public safety.

§ 25-86. Backfill Under Pavements.

All open excavations for sewers and for public utilities (except the gas utility) made under existing pavements or areas proposed to be paved shall be carefully backfilled with granular backfill material, approved by the City Engineer, thoroughly compacted in place in such a manner as to inhibit any settlement of the finished pavement. Such excavations made in existing paved areas shall be made in accordance with the requirements and regulations of Chapter 20, Article IV, Excavations, of the City of Kirkwood Municipal Code. The exception of the gas utility from the granular backfill provisions of this section does not exempt that utility from thorough compaction of its backfill so as to avoid pavement settlements.

## Article XI: Telecommunications

### § 25-87. Purpose.

This section provides for the appropriate location and deployment of wireless communications infrastructure to better serve the citizens and businesses of the City of Kirkwood. The purpose of this section is to:

- (a) Minimize adverse visual impacts of wireless facilities and support structures through careful design, siting, and landscaped screening;
- (b) Maximize the use of existing and new facilities so as to minimize the need to construct new or additional facilities; and
- (c) Comply with applicable federal and state laws, including the Federal Telecommunications Act of 1996 and the Uniform Wireless Communications Infrastructure Deployment Act 67.5090 et seq RSMO.

### § 25-88. General Requirements.

The following general requirements shall apply to all telecommunications infrastructure permitted in all zoning districts:

- (a) **Antenna Support Structures Over 150 Feet in Height**  
Any antenna support structure that is proposed to be in excess of 150 feet in height is not permitted unless authorized by the Planning and Zoning Commission for co-use or other considerations such as to provide personal wireless services, or reasonably required for public safety communications of a governmental entity sharing the antenna support structure.
- (b) **Lighting**  
Antennas and antenna support structures shall not be lighted unless required by the FAA or a state or federal agency with authority to regulate, in which case a description of the required lighting scheme will be made part of the application to install, build, or modify the antenna or antenna support structure.
- (c) **Advertising**  
Unless a disguised support structure is in the form of an otherwise lawfully placed pylon sign, the placement of signs on structures regulated by this section is prohibited.
- (d) **Design**
  - (1) Unless subject to the requirements of the FAA or any applicable state or federal agency, towers shall maintain a galvanized steel finish or be painted a neutral color consistent with the natural or built environment of the site.
  - (2) Antenna equipment shelters or cabinets shall have an exterior finish compatible with the natural or built environment of the site, and may also be brick or other masonry material as required by the Planning and Zoning Commission as part of a major telecommunications facilities permit.
  - (3) Antennas attached to a building or antenna support structure shall be painted a color identical to, or compatible with, the surface to which they are mounted.

- (4) All towers shall be surrounded by a landscape strip of not less than 10 feet in width, and planted with materials that will provide a visual barrier of a minimum height of 6 feet. Evergreen trees should be at least 6 feet tall, and deciduous trees at least 2.5 inches in caliper. Said landscape strip shall be exterior to any security fencing. In instances where a landscape strip is not practical or feasible, a minimum 6-foot high decorative fence or wall in lieu of the landscape strip may be approved by the Planning and Zoning Commission in conjunction with a major telecommunications facilities permit approval.
- (5) All towers shall be set back from any adjacent residentially zoned property a distance equal to the height of the tower, and shall maintain setbacks as are required by the zoning district regulations. Alternatively, a signed and sealed engineer's report regarding a decreased fall zone for the proposed tower may be submitted for consideration in reducing said setbacks; however, this shall not be utilized to reduce the setbacks lower than those required by the applicable zoning district.
- (6) Ground anchors of all guyed towers shall be located on the same parcel as the tower and meet the setbacks of the applicable zoning district.
- (7) Vehicle or outdoor storage on any antenna support structure site is prohibited.
- (8) On-site parking for periodic maintenance and service shall be provided at all antenna or antenna support structure locations. Access to and parking for antenna or antenna support structure locations shall be provided on a paved surface.

**(e) Shared Use**

- (1) In order to maximize the use of an existing or proposed wireless tower, the tower owner shall, prior to the issuance of any minor telecommunications permit to alter or modify any tower existing on the effective date of this code, provide to the City a written and notarized statement agreeing to make said tower available for use by others subject to reasonable technical limitations and at a fair market rate. The willful and knowing failure of a tower owner to agree to shared use or to negotiate in good faith with potential users shall be cause for the withholding of future permits to the same tower owner to install, build or modify antennas or antenna support structures within the City.
- (2) Any new tower at a height of 60 feet above ground level or higher shall be designed and constructed to accommodate at least one additional user unless a larger number is indicated by the City. In addition, the tower shall be designed and constructed to reasonably accommodate use by the City and made available at a fair market value for space. The willful and knowing failure of the owner of a tower built for shared use to negotiate in good faith with potential users shall be cause for the withholding of future permits to the same owner to install, build or modify antennas or antenna support structures within the City.

**(f) Modifications**

- (1) Changes to existing antennas, towers, or structures that are not "substantial modifications" as defined herein shall only be reviewed for conformance with applicable building permit requirements, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability and engineering, without any Planning and Zoning Commission review.
- (2) Upon receipt of a minor facilities permit subject to [§ 25-89\(c\)](#), the following are allowed:

- (i) The attachment of additional antennas or the replacement of antennas to any tower or the addition or replacement of antenna equipment shelters existing on the effective date of this code or subsequently approved in accordance with these regulations, provided that additional antenna equipment shelters or cabinets are located within the existing antenna support structure site.
  - (ii) The mounting of antennas in or on any existing building or structure (such as a water tower, church steeple, billboard, utility pole, or tower used for high voltage electric lines) provided that the building or structure has been in service for at least one year in a functional use prior to application and provided that the height of the antenna does not exceed 20 feet from its mounting.
  - (iii) The installation of antennas on buildings or structures or the construction of an antenna support structure on land owned by the City of Kirkwood following the approval of a lease agreement by the City Council.
  - (iv) The maintenance without alteration of any antenna support structure existing on the date of the enactment of this code. Modification to an existing antenna support structure, including but not limited to the replacement or addition of any antennas or equipment shelters, shall be subject to all the provisions of this code.
- (3) For purposes of this section, a "substantial modification" is defined as the mounting of an antenna on a tower or other structure which, as applied to the structure as it was originally constructed, meets any of the following criteria:
- (i) Increases the existing vertical height of the tower or structure by:
    - a. More than 10 percent; or
    - b. The height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater.
  - (ii) Involves adding an appurtenance to the body of a tower or structure that protrudes horizontally from the edge of the existing tower or structure more than 20 feet or more than the width of the wireless support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable);
  - (iii) Involves the installation of more than the standard number of new outdoor equipment cabinets for the technology involved, not to exceed four new equipment cabinets; or
  - (iv) Increases the square footage of the existing equipment compound by more than 1,250 square feet.
  - (v) Substantial modifications require a major telecommunications facilities permit, which shall be subject to [§ 25-89\(b\)](#) hereof.

**(g) Limitation on Regulations and Commission Exceptions**

- (1) In considering a major telecommunications facilities permit application, the Planning and Zoning Commission may grant an exception to any such regulation based on a clear showing that the exception is reasonably required to provide communications services. Such showing shall be supported by the opinion of a telecommunications consultant hired by the City at the expense of the applicant. The opinion of the consultant shall include a statement explaining why alternatives are not available or viable.

- (2) Nothing in this article shall be construed or deemed to supersede any applicable State or Federal law or any applicable regulation issued by a State or Federal agency, including, but not limited to, the Missouri Public Service Commission and the Federal Communications Commission. In the event of any conflict between such laws or regulations and this article, the applicable State or Federal law or regulation shall apply.

§ 25-89. Required Permits.

**(a) General Permit Requirements**

The following information applies to both major and minor facilities permits.

- (1) Applications for major or minor telecommunications facilities permits under this article shall be accompanied by an application fee approved by the City to cover the cost of processing the application, any deposit otherwise required by law for the proposed work, and any other amounts due to the City from the applicant, including but not limited to prior delinquent fees, costs, and any loss, damage, or expense suffered by the City because of the applicant's prior work in the City or for any emergency actions taken by the City, but the Director of Public Services may modify this requirement to the extent the Director of Public Services determines any such fees to be in good-faith dispute or beyond the ability of the applicant to control.
- (2) If the regulations of this article would prohibit facilities at a specified location, the applicant may request an exception from the Planning and Zoning Commission as provided in [§ 25-88\(g\)](#). The City's form application shall include an exception option by which the applicant shall provide the reasons for the requested exception.
- (3) Applications shall be reviewed and acted upon within the timeframes provided in this article. The City acknowledges that Federal law or regulations may prescribe deadlines not consistent with those included in this article, but the certainty of such Federal deadlines cannot be effectively ascertained and prescribed herein. It shall be incumbent upon the applicant to inform the City of any desire to utilize Federal deadlines and to explain the applicability of same at the time of application. The City's form application shall include a Federal deadline option.

**(b) Major Telecommunications Facilities Permits**

**(1) Permit Process**

- (i) The construction, installation, and substantial modification of antennas and towers shall require a major telecommunications facilities permit approved by the Planning and Zoning Commission.
- (ii) Applications for a major facilities permit shall be filed in conjunction with a building permit application.
- (iii) Applications for major telecommunications facilities permits shall be made to the Director of Public Services on forms provided by the Director. Prior to filing an application, the applicant shall meet with the Director of Public Services to determine the information to be required in support of the application.
- a. Each application shall be accompanied by payment of a fee established by the City Council.
- b. Each application shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application.

- (iv) Major telecommunications facilities permit applications shall be accompanied by detailed construction and installation plans demonstrating proof of compliance with the regulations of this article and the need for any exception to any such regulation. An application proposing a tower shall include a detailed site plan based on a closed boundary survey of the host parcel indicating:
  - a. All existing and proposed improvements, including buildings, drives, walkway, parking areas and other structures,
  - b. The location of trees on such parcel,
  - c. The general location of the improvements on all adjoining properties,
  - d. Public rights-of-way, the zoning categories of the host parcel and adjoining properties, the location of buffer and landscape areas, hydrologic features, and the coordinates and height of the proposed facility,
  - e. Any statements or information required by this article, and
  - f. Such other information as the Director of Public Services reasonably deems appropriate.
- (v) After receiving an application to construct a new tower, the Planning and Zoning Commission shall have 120 days from the date of the application's submission, or such additional time as may be agreed to by an applicant and the Director of Public Services, to approve or deny the application and to advise the applicant in writing of its final decision.
  - a. Within 30 days of receiving the application, the Director of Public Services shall review the application and, if the application does not conform with the submission requirements of this section, shall notify the applicant in writing of the specific deficiencies in the application which, if cured, would make the application complete.
  - b. Upon receipt of a timely written notice that an application is deficient, an applicant may take 30 calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within 30 calendar days, the application shall be reviewed and processed within 120 calendar days from the initial date the application was received. If the applicant requires a period of time beyond 30 calendar days to cure the specific deficiencies, the 120 calendar days' deadline for review shall be extended by the same period of time.
  - c. If the Commission fails to act on an application within the 120 calendar days' review period, or an extension thereof due to an incomplete application, or within such additional time as may be agreed to by an applicant and the Director of Public Services, the application shall be deemed approved.

**(2) Criteria for Telecommunications Facilities Permit Approval**

The Planning and Zoning Commission shall consider the evidence submitted with the major telecommunications facilities permit application as well as additional information presented by the applicant or others. Before approving a major telecommunications facilities permit the Planning and Zoning Commission shall consider and determine the following, as may be applicable, based on the evidence submitted:

- (i) Whether the application complies with the requirements of this article;

- (ii) Whether an existing tower or structure may meet the applicant's requirements;
- (iii) Whether a tower has sufficient structural strength to support the applicant's proposed antenna and required screening;
- (iv) Whether the proposed antenna would experience or cause signal interference with other telecommunication facilities;
- (v) Whether the design of the antenna, tower, or structure maximally reduces visual degradation; and
- (vi) Whether the proposed antenna or tower minimizes the number and size of similar facilities that will be required in the geographic area surrounding the proposed site.

**(3) Review, Determination and Appeal**

- (i) The Planning and Zoning Commission shall review and determine applications as provided in this article and any application regulations of [§ 25-16](#).
- (ii) A decision to deny an application shall be based upon substantial evidence that shall be made a part of the written record of the meeting at which a final decision on the application is rendered.
- (iii) Any aggrieved person may, within 15 days of the decision for which redress is sought, file with the City Council a written request for reconsideration and appeal of any decision of the Planning and Zoning Commission or Director of Public Services under this article. The written request must set forth in a concise manner the decision being appealed and all grounds known to the appellant as to wherein and why the decision is allegedly in error. The request for reconsideration and appeal must be filed with the City Clerk within the time specified above. A copy of the request and any supporting documents or materials filed by aggrieved party must be served by the aggrieved party on the applicant (if different than the aggrieved party) by certified U.S. Mail, return receipt requested, within three days of filing with the City Clerk. Proof of service on the applicant must be filed with the City Clerk within six days of filing of the request. The City Council may consider the appeal on the record of the prior decision by the Planning and Zoning Commission or may, at its sole discretion, receive additional evidence in such manner as it deems appropriate in light of the circumstances.
- (iv) Any person aggrieved by the City Council's final decision on an appeal may bring an action for review in the St. Louis County Circuit Court.

**(c) Minor Telecommunications Permits**

- (1) Antennas not requiring a minor telecommunications facilities permit, and proposals for tower or structure co-use or proposed replacements for already-permitted towers or antennas, when such proposals do not constitute substantial modifications as defined in [§ 25-88\(f\)](#) hereof, shall be subject to a minor telecommunications permit. Such permit applications shall only be reviewed for conformance with applicable building permit requirements, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability and engineering, without any Planning and Zoning Commission review.
- (2) An application for a minor telecommunications permit shall be filed with the Director of Public Services and shall include, among other information that may be required, the following:



- (i)** Detailed construction and installation plans demonstrating proof of compliance with this article;
- (ii)** Site plan of the parcel upon which the installation is to be made showing the specific location of the proposed installation and all improvements on the parcel;
- (iii)** A copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application; and
- (iv)** Such other information reasonably required by the Director of Public Services.
- (v)** After receiving a minor telecommunications permit application, the Director of Public Services shall have 45 days from the date of the application's submission, or such additional time as may be agreed to by an applicant and the Director, to approve or deny the application and to advise the applicant in writing of a final decision.
- (vi)** Within 15 days of receiving the application, the Director shall review the application and, if the application does not conform with the submission requirements of this section, shall notify the applicant in writing of the specific deficiencies in the application which, if cured, would make the application complete.
- (vii)** Upon receipt of a timely written notice that an application is deficient, an applicant may take 15 calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within 15 calendar days, the application shall be reviewed and processed within 45 calendar days from the initial date the application was received. If the applicant requires a period of time beyond 15 calendar days to cure the specific deficiencies, the 45 calendar days' deadline for review shall be extended by the same period of time.
- (viii)** If the Director fails to act on an application within the 45 calendar days' review period, or an extension thereof due to an incomplete application as provided in this section, or within such additional time as may be agreed to by an applicant and the Director, the application shall be deemed approved.
- (ix)** A party aggrieved by either the Director's final decision or the purported failure to timely act may file an action for review in the St. Louis County Circuit Court, without filing an appeal to the City. in accordance with this code.

§ 25-90. Tower Removal.

Any tower, or the upper portion of any tower, which is occupied by inactive antennas for a period of twelve months shall be considered a public nuisance and the tower and support structure, including footings, where appropriate, be removed at the owner's expense. Removal of upper portions of a tower manufactured as a single object shall not be required. In instances where more than one antenna is collocated on the tower, it shall not be considered inactive until all antennas are no longer in use.

## Article XII: Nonconformities

### § 25-91. Purpose.

Within the districts established by this code, some lots, uses of lands or structures, or combinations thereof may exist that were lawful prior to the effective date or amendment of this code, but that are prohibited, regulated, or restricted under the terms of this code. The legitimate interests of those who lawfully established these nonconformities are herein recognized by providing for the continuance of such uses, subject to regulations limiting their completion, restoration, reconstruction, extension, and/or substitution. Nevertheless, while it is the intent of this code that such nonconformities be allowed to continue until removed, they should not be encouraged to survive, unless otherwise allowed in this chapter or specifically addressed in this code.

### § 25-92. General Provisions.

- (a) Any use, building, structure, land, or premises that existed at the time of the effective date of this code that was legally established under a previous code amendment or versions may be continued even if such use, building, structure, or use of land does not conform to the provisions of this code.
- (b) Passage of this code in no way legalizes any illegal uses existing at the time of its adoption.
- (c) An applicant for any development review procedure that deals with nonconformity shall bear the burden of proof in demonstrating that the use was a legal nonconformity on the effective date of this code.
- (d) Violation of any conditions and/or safeguards prescribed in this chapter shall be deemed a violation of this code and shall be punishable under [Article XIII: Enforcement and Penalties](#).

### § 25-93. Determination of Legal Nonconformity Status.

- (a) At the time of application for a building permit, or request for variance regarding a nonconforming lot, building, structure, or use, the property owner shall submit sufficient evidence for the Director of Public Services or Board of Adjustment, as applicable, to determine that such lot, building, structure, or use was lawfully created or established in accordance with the code regulations in existence at that time.
- (b) Such documentation shall be retained as part of the applicable building permit or variance application, as applicable.

### § 25-94. Nonconformities and Variances or Administrative Waivers.

- (a) When a property owner or authorized agent is granted approval of a variance or administrative waiver for a nonconformity that addresses the nonconformity, the use, structure, or lot shall no longer be considered nonconforming. In no case shall the resolved nonconformity be expanded or altered to create further nonconformities.
- (b) If a property owner or authorized agent is granted approval of a variance or administrative waiver for a nonconformity that addresses some nonconformities but additional nonconformities continue, the use shall still be subject to the provisions of this article.

### § 25-95. Nonconforming Uses.

Where, at the time of adoption of this code, lawful uses of land or structures exist that would not be permitted by the regulations of this code, the uses may be continued so long as they remain otherwise lawful and provided:

- (a) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this code unless it complies with the provisions of [§ 25-95\(e\)](#).
- (b) No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this code.
- (c) No additional structures shall be constructed on a lot with a nonconforming use unless it complies with the provisions of [§ 25-96](#).
- (d) Change or Substitution to Another Nonconforming Use**
  - (1) The lawful nonconforming use of an existing building, structure, or lot can be continued even if such use is not permitted in the applicable district.
  - (2) If no structural alterations are made that increase the nonconformity, a nonconforming use of a building or structure, or lot, may be changed to another, less intensive nonconforming use with approval from the Director of Public Services. The determination of whether the proposed use is less intensive shall be based on the following criteria:
    - (i) The change of the use will have a less deleterious effect on the neighboring properties than does the existing use;
    - (ii) The proposed use is allowed in the City and is listed [Table 35-1](#);
    - (iii) The change of the use shall not create any additional burden on the neighboring properties;
    - (iv) The change of the use shall not substantially increase traffic hazards or congestion;
    - (v) The change of the use shall not substantially increase fire hazards;
    - (vi) The change of the use shall not adversely affect the general welfare of the community;
    - (vii) The change of the use shall not overtax public utilities; and
    - (viii) The change of the use shall satisfy all other site development regulations that are applicable.
  - (3) A nonconforming use cannot be changed to a more intensive nonconforming use.
  - (4) In order to assure compliance with any provisions required for approval of a change of use and to assure maintenance of buffers and landscaping, which mitigates the effect of the nonconforming use, adequate provisions may be made in covenants running with the land or other instruments that empower the City to enforce the covenants in the event of failure of compliance. Any approval of a change of use provided for herein does not alter the nonconformity of the use or any remaining nonconforming characteristics set forth above. Further, any approval of alteration change of the use does not obligate the City to grant further approvals, and any additional change of the use shall require a new application, which application may, in the discretion of the City, be considered from the perspective of the aggregate impact of any proposed change of use and any previous change of use previously permitted under the provisions of this code. In permitting such change, the Director of Public Services may prescribe appropriate conditions and safeguards in accordance with other provisions of this code and when made a part of the terms under which the change is granted.
  - (5) Whenever a nonconforming use is changed to a less intensive nonconforming use, such use shall not thereafter be changed to a more intensive nonconforming use.

- (6) Whenever a nonconforming use is changed to a use permitted in the district in which the lot is located, it shall cease to be considered a nonconforming use. Upon such compliance, no nonconforming use shall be made, resumed, or reinstated.

**(e) Expansion or Alteration of a Nonconforming Use**

- (1) A nonconforming use of land shall not be physically enlarged, increased, nor extended to occupy a greater area of land than was occupied by the use at the time it became nonconforming, unless approved as a special use (See [§ 25-20.](#)) or otherwise specified.
- (2) A nonconforming use of an existing structure may be extended throughout any parts of a building that were manifestly arranged or designed for such use at the time of adoption or amendment to this code. However, no such use shall be extended to occupy any land outside such building not previously occupied by such nonconforming use unless approved as a special use (See [§ 25-20.](#)) or otherwise specified.
- (3) No such building shall be enlarged or expanded to increase the nonconforming use unless approved as a special use (See [§ 25-20.](#)). No additional structures shall be constructed in connection with such nonconforming use, except as follows:
- (i) The construction of a detached accessory structure related to a nonconforming residential use shall be permitted subject to complying with the accessory use lot coverage & setback regulations of the zoning district in which the nonconforming residential use is located.
  - (ii) For nonconforming residential uses, non-habitable attached garages, porches and decks, although requiring a building permit shall not be considered expansions of nonconforming uses. Such additions to nonconforming residential uses shall comply with the lot coverage & setback requirements of the zoning district in which the nonconforming residential use is located.
- (4) In order to assure compliance with any provisions required for approval of an expansion or alteration of a nonconforming use and to assure maintenance of buffers and landscaping, which mitigates the effect of the nonconforming use, adequate provisions may be made in covenants running with the land or other instruments that empower the City to enforce the covenants in the event of failure of compliance. Any approval of expansion, extension, enlargement or alteration of the use provided for herein does not alter the nonconformity of the use or any remaining nonconforming characteristics set forth above. Further, any approval of alteration change of the use does not obligate the City to grant further approvals, and any additional change of the use shall require a new application, which application may, in the discretion of the City, be considered from the perspective of the aggregate impact of any proposed change of use and any previous change of use previously permitted under the provisions of this code. In permitting such change, the Planning and Zoning Commission and City Council may prescribe appropriate conditions and safeguards in accordance with other provisions of this code and when made a part of the terms under which the change is granted.

**(f) Termination of Nonconforming Uses**

**(1) Termination of Use through Discontinuance**

- (i)** When any nonconforming use of a building, structure, or premises, or part thereof, is discontinued or abandoned for more than 180 consecutive days, such discontinuance shall constitute voluntary abandonment and any new use shall conform to the regulations of the district in which it is located.
- (ii)** When any nonconforming use of land that does not occur within a structure is discontinued or abandoned for more than 30 consecutive days, such discontinuance shall constitute voluntary abandonment and any new use shall conform to the regulations of the district in which it is located.
- (iii)** A nonconforming use may not resume after the Director of Public Services has determined that the use has been discontinued or abandoned in accordance with the above provisions.
- (iv)** The intent to continue a nonconforming use shall not be evidence of its continuance.

**(2) Termination of Use by Damage or Destruction**

- (i)** If a building or structures devoted to a nonconforming use is damaged or destroyed to any extent by cause unrelated or unattributable to the owner, such structure and use may be reestablished on the same lot provided it meets the same size in height and footprint, as well as complying with the same setbacks as previously existed.
- (ii)** Such reestablishment of the use shall require the issuance of a building permit and construction shall be required to commence within 18 months of the damage or destruction unless an alternative time limit is approved by the Board of Adjustment. Failure to comply with this time limit shall result in forfeiture of nonconforming status and any new use shall comply with this code.

§ 25-96. Nonconforming Structures and Sites.

A nonconforming building, structure, or site may continue to be used or occupied by a use permitted in the applicable zoning district so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

- (a)** Any nonconforming structure or site may be enlarged, moved, or altered provided, however, no such enlargement, move, or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure or site, unless otherwise specified in this code.
- (b)** A nonconforming structure shall not be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the applicable zoning district after being relocated.
- (c)** The principal use of a nonconforming building may be changed to any other use permitted in the applicable zoning district as long as the new use complies with all regulations of this code specified for such use, except the regulations to which the building did not conform prior to the change in use.
- (d)** The governmental acquisition of a portion of a lot for a public purpose that results in reduction in a required yard or building setback below that required in the applicable zoning district shall not render a structure nonconforming.

- (e) Damage or Destruction of a Nonconforming Structure Containing a Conforming Use**
- (1)** If a nonconforming structure is damaged or destroyed to any extent by cause unrelated or unattributable to the owner, such structure may be reestablished on the same lot provided it meets the same size in height and footprint, as well as complying with the same setbacks as previously existed.
  - (2)** Such reestablishment of the structure shall require the issuance of a building permit and construction shall be required to commence within 18 months of the damage or destruction unless an alternative time limit is approved by the Board of Adjustment. Failure to comply with this time limit shall result in forfeiture of nonconforming status and any new structure shall comply with this code.
  - (3)** If the owner voluntarily removes the structure or reduces the nonconformity, that has not been damaged or destroyed, that owner shall not be permitted to rebuild the structure to the original height, size, or setback.
- (f) Nonconforming Site Conditions Existing at the Time of Site Plan Review**
- If a nonconforming site condition exists when a site plan is required pursuant to [§ 25-19](#), then such site condition must be brought into compliance with district regulations, unless the Planning and Zoning Commission and City Council determines that such conformance cannot be reasonably achieved because of existing site conditions. In such case, the City Council may approve a site plan that reduces the existing nonconforming site condition to the maximum extent practicable.

§ 25-97. Nonconforming Lots of Record.

A nonconforming lot of record may be used in accordance with this section.

- (a)** If an existing lot of record is occupied by conforming structures, such structures shall be maintained and may be repaired, modernized or altered, provided that:
  - (1)** The structure shall not be enlarged in floor area unless the enlarged section complies with all regulations of this code, with the exception of the lot area and the lot width regulations.
  - (2)** The number of dwelling units shall not be increased unless in conformance with this code.
- (b)** In any residential zoning district, a single-family dwelling and its customary accessory uses may be erected on a vacant single lot of record if said lot meets the definition of a buildable lot.
- (c)** A vacant nonconforming lot in all other districts may be used for any use permitted in the district in which it is located when the development of such lot meets all requirements of the district in which it is located, including the maximum lot coverage and minimum setback requirements, except for the minimum lot area and lot width requirements. No use that requires a greater lot area than the established minimum lot area for a particular district shall be permitted on a nonconforming lot.
- (d)** If a vacant nonconforming lot in any district adjoins one or more lots in common ownership on the effective date of this code, or applicable amendment thereto, such lots shall be replatted to create lots of greater conformity to the minimum lot area and lot width of the applicable zoning districts.

§ 25-98. Repair and Maintenance.

- (a)** Ordinary repairs, or repair or replacement of non-bearing walls, fixtures, wiring, or plumbing may be performed on a nonconforming structure or on any portion of a structure that contains a nonconforming use provided that the cubic content shall not be increased and no structural parts shall be replaced except when required by law to restore such building or structure to a safe condition or to make the building or structure conform to the regulations of the district in which it is located.
- (b)** Nothing in this section shall be deemed to prevent the strengthening or restoring to safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety. Where appropriate, a building permit for such activities shall be required.

## Article XIII: Enforcement and Penalties

### § 25-99. Enforcement

It shall be the duty of the Director of Public Services to enforce this code. Appeal from the decision of the Director of Public Services may be made to the Board of Adjustment as provided in [§ 25-25](#).

### § 25-100. Violations

**(a)** In case any building or structure is erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of Sections 89.010 to 89.140, RSMo., or of any ordinance or other regulation made under authority conferred hereby, the City may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place, or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo.

**(b)** The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation, or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable as follows: by a fine of not less than \$10 and not more than \$250 for each and every day that such violation continues, or by imprisonment for 10 days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court. For the second and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than \$100 or more than \$500 for each and every day that such violation shall continue, or imprisonment for 10 days for each and every day such violation shall continue, or both such fine and imprisonment in the discretion of the court.

### § 25-101. Civil Penalty

Any person who shall violate any provision of this code, or fail to comply with a notice issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine as prescribed in §1-8 of the City of Kirkwood Municipal Code. Each day's violation of, or refusal or neglect to comply with any provision of this code shall constitute a separate and distinct offense.

### § 25-102. Accumulation

Each of the remedies, fines and imprisonments set forth in this section of this code shall be cumulative and not exclusive remedies.



## Article XIV: Definitions

### § 25-103. Rules of Construction and Interpretation

- (a) Intent**  
All provisions, terms, phrases, and expressions contained in this code shall be construed according to this code's stated purpose and intent.
- (b) Lists and Examples**  
Unless otherwise specifically indicated, lists of items or examples that use terms such as including, such as, or similar language are intended to provide examples, and not to be exhaustive lists of all possibilities.
- (c) References to Other Regulations, Publications, and Documents**  
Whenever reference is made to an ordinance, resolution, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), resolution, statute, or document or to the relevant successor document, unless otherwise expressly stated.
- (d) Public Officials and Agencies**  
All public officials, bodies, and agencies to which references are made are those of the City of Kirkwood, Missouri, unless otherwise expressly stated.
- (e) Delegation of Authority**  
Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.
- (f) Technical Words**  
Technical words and phrases not otherwise defined in this code that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- (g) Mandatory and Discretionary Terms**  
The word "shall" is always mandatory, and the words "may" or "should" are always permissive.
- (h) Used For**  
The phrase "used for" included "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- (i) Particular Versus General**  
The particular shall control the general
- (j) Conjunctions**  
Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

  - (1)** "And" indicates that all connected items, conditions, provisions, or events shall apply.
  - (2)** "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

**(k) Tense and Usage**

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

**(l) Gender**

The masculine shall include the feminine, and vice versa.

**(m) Meaning**

For the purpose of this code, words and phrases shall have the meanings set forth in this chapter.

**(n) Other Terms Not Defined**

Words and phrases not otherwise defined in this code shall be construed according to the common and approved usage of American English. For the interpretation of uses, the Director of Public Services may utilize outside sources such as dictionaries or glossaries developed by the American Planning Association (APA), Urban Land Institute (ULI), or similar organization, or as defined in Merriam-Webster's, or other commonly accepted dictionaries.

§ 25-104. General Definitions

**Abutting, Adjoining, or Adjacent**

The land, lot, or property adjoining the property in question along a lot line or separated only by an easement.

**Accessibility Ramps**

Permanent or portable ramps utilized to provide a disabled person with accessibility to a structure.

**Accessory Dwelling Units**

A separate, complete dwelling unit that has its own kitchen, sleeping area, and full bathroom facilities. Accessory dwelling units may be contained within or added on to a principal dwelling, be part of an accessory building (e.g., attached to a garage), or the accessory dwelling unit may be a separate structure.

**Addition**

Any act or process that changes one or more of the exterior architectural features of a building or structure by adding to, joining with, or increasing the size, height, or capacity of the building or structure.

**Administrative Waiver**

A review process that allows the Director of Public Service to waive certain dimensional standards by a small percentage based on the provisions of [§ 25-23](#).

**Agricultural Use**

Farming, including plowing, tillage, cropping, seeding, cultivating, or harvesting for the production of food and fiber products. This use does not include gardening accessory to a principal residential use where products are principally for consumption by the property owner.

**Alley**

A minor, service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation, but is not a public or private street as defined by this code.

**Alteration**

As applied to a building or structure, a change or rearrangement in the structural parts or in the ingress/egress facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another, or any change in use from that of one district classification to another.

**Alteration, Structural**

Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

**Alternative Equivalency Review**

A review procedure by which an applicant can propose an alternative approach to meeting a standard of this code that meets or exceeds the original standard. See [§ 25-22](#).

**Amateur Radio Towers and Antennae**

A system of cables, electrical conductors, insulators, metallic or non-metallic tubing, poles, reflecting discs, rods, wires, or similar objects used for transmission or reception of radio signals or electromagnetic waves for amateur radio service.

**Amusement Facility, Indoor**

A commercial establishment or place of business primarily engaged in the provision of indoor entertainment and recreation for participants. An amusement facility shall include, but not be limited to, arcades, bowling alleys, trampoline facilities, indoor go-karts, batting cages, miniature golf courses, billiards, and pool parlors.

**Amusement Facility, Outdoor**

A commercial establishment or place of business primarily engaged in the provision of outdoor entertainment and recreation for participants. An amusement facility shall include, but not be limited to, golf ranges, miniature golf courses, pitch and putt golf courses, and batting cages.

**Animal Facility, Major**

Any building, structure, or land used, designed, or arranged for the boarding, breeding, or medical care of animals or pets. This term includes animal hospitals, kennels, shelters, overnight boarding, and veterinarian clinics

**Animal Facility, Minor**

Any building, structure, or land used, designed, or arranged for grooming and daytime boarding of animals or pets. This term includes pet daycares and grooming facilities.

**Antenna**

Any device that transmits and/or receives electromagnetic signals for voice, data or video communications purposes, including, but not limited to, television, AM/FM radio, microwave, cellular telephone and similar forms of communications.

**Antenna Equipment Cabinet**

A structure for the protection and security of communications equipment associated with one or more antennas where direct access to equipment is provided from the exterior and that has horizontal dimensions that do not exceed four feet by six feet and vertical height that does not exceed six feet.

**Antenna Equipment Shelter**

A building for the protection and security of communications equipment associated with one or more antennas and where access to equipment is gained from the interior of the building. Human occupancy for office or other uses, or the storage of other materials and equipment not in direct support of the connected antenna, is prohibited.

**Antenna Support Structure**

A tower or disguised support structure, but excluding those support structures under 55 feet in height owned and operated by an amateur radio operator licensed by the FCC.

**Apartment**

A room or suite of rooms which is arranged, designed, used or intended to be used as a single housekeeping unit, and which contains a complete kitchen, bath, and toilet facilities, permanently installed.

**Appeal**

A review procedure by which a person may call into question decision made in accordance with this code. See also [§ 25-25](#).

**Applicant**

Unless otherwise specified, an owner of a property or an agent for the owner, including, a subdivider, developer, attorney, or similar representative, who has filed an application for development review pursuant to [§ 25-16\(a\)](#).

**Application**

The process by which the applicant submits a request for any type of development review or approval identified in [Article II: Review Procedures](#). Applications include all written documentation, verbal statements, and representations, in whatever forms and quantities as required by the City.

**Architectural Detailing**

Unique details and components, such as decorative moldings or architectural ornamentation, which define the nature and quality of the building.

**Architectural Feature**

A prominent or significant part or element of a building, structure or site.

**Architectural Review Board**

The City of Kirkwood Architectural Review Board as established in Chapter 2, Article VII, Division 3 of the Municipal Code.

**Awning**

A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. See also definition of “canopy.”



*Figure 104-A: Examples of traditional awnings*

**Bar or Tavern**

Any building or structure devoted primarily to the selling, serving or dispensing and drinking of malt, vinous, or other alcoholic beverages in which the serving of food may occur incidental to the consumption of such alcoholic beverages.

**Basement**

That portion of a building that is below the first or ground-floor level and is wholly or partly underground.

**Block**

The property lying between the two nearest intersecting streets, crossing or terminating, or between the nearest such street and a railroad right-of-way, unsubdivided acreage, a river or live stream, or between any of the foregoing and any other barrier to the continuity of development or the corporate lines of the City.

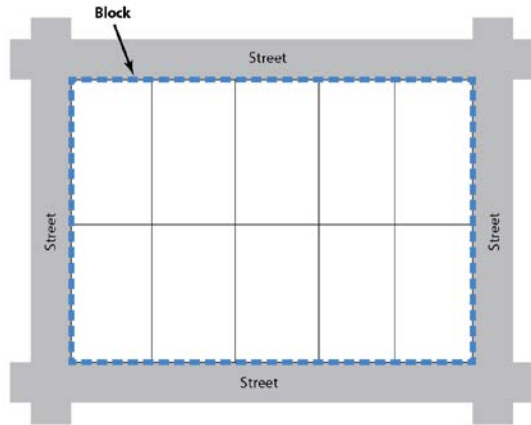


Figure 104-B: Illustration of block

**Block Face**

All lots that have frontage on the same street as the subject lot between an intersecting street or other boundary.

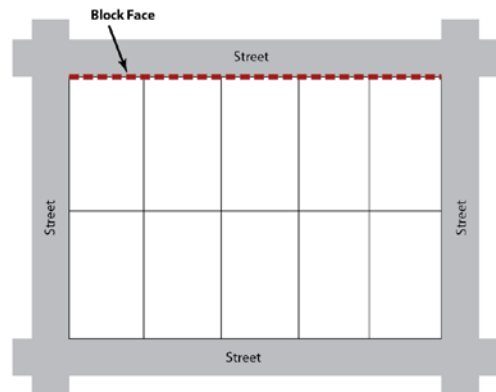


Figure 104-C: Illustration of block face

**Board of Adjustment**

The City of Kirkwood Board of Adjustment as established in Chapter 9, Article VII, Division 2 of the Municipal Code.

**Buffer**

A combination of landscaped space and/or structures designed to provide separation between different uses.

**Buildable Lot**

The following tracts of land shall be considered a buildable lot as that term is used herein:

- A lot of record that satisfies the minimum width and size requirements of the current zoning laws.
- A lot of record that was developed with a single-family residential structure on or after February 24, 1967.
- A legally created existing residential lot of record at least 40 feet wide and with a minimum area of 4,000 square feet shall permit the construction of one single-family dwelling. However, the construction shall conform to all regulations of the residential zoning district, such as yard areas, height, percentage of lot coverage, dwelling standards, off-street parking, and other applicable provisions.

**Building**

Any structure, of more or less permanent construction, having one or more floors and a roof supported by columns or walls, which is completely enclosed and is designed or intended for the shelter or protection of persons, animals, or property. When separated by party walls, each portion of such building shall be considered a separate structure.

**Building Area**

The total of areas taken on a horizontal plane at the main grade level of the principal structure and all accessory structures exclusive of uncovered porches, terraces and steps.

**Building Commissioner**

The Building Commissioner of the City of Kirkwood, Missouri

**Building Elements**

A building is composed of many different elements, such as roofs, coping, doors, and windows and the building's architectural style should determine relationships between these various elements. A change in the wall plane of a façade should be in keeping with the architectural style of the building and should be significant enough to affect the building mass. Repeating elements, such as dormers (bays/display windows/storefronts), can be more effective when they are equally sized and the spaces between them are of an equal proportion. Where effective, there is also often a relationship to other elements on the façade or roof. It is also very effective to maintain a relationship to other elements on the façade or roof.

**Building Height**

The vertical distance of a building as measured in [§ 25-46\(j\)](#).

**Building Lines**

The lines along the interior side of required front, rear and side yards setbacks.

**Building Massing**

Building massing is the three-dimensional bulk and shape of a structure that includes the height, width, and depth.

**Building Permit**

A permit issued to commence construction or use of land as permitted by this code and issued in accordance with the Municipal Code.

**Building, Accessory**

A subordinate building detached from, but located on the same lot as, the principal or main building, the use of which is incidental and accessory to the principal building or use and that is constructed subsequent to the principal building or main use of the land.

**Building, Legally Nonconforming**

A building or portion thereof, lawfully existing on the effective date of this code, or amendments thereto, and that does not conform to the provisions of the code in the district in which it is located.

**Building, Mixed-Use**

A building that contains a mixture of both residential uses and nonresidential uses.

**Building, Principal or Main**

A building occupied by the main use of the lot on which said building is located.

**Bus Passenger Terminals**

Any premises for the loading and unloading of bus passengers.

**Canopy**

A permanent structure made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure but typically is supported by features other than the building façade (e.g., structural legs, building extensions, etc.). See also the definition of “awning.”



*Figure 104-D: Example of a canopy and related sign*

**Catering Establishment**

An establishment where the sole business activity is the preparation and delivery of food for private parties, receptions, banquets, and similar functions; and no food is sold on the premises.

**Cemetery**

Land use for the internment of the human dead, including cemeteries, columbariums, and mausoleums. When operated in conjunction with and within the boundary of such uses, it may also include mortuaries and crematories.

**Central Mixing Plant**

Central mixing plants for cement, mortar, plaster, or painting materials.

**Change**

Any alteration, addition, demolition, removal, or construction involving any property subject to the provisions of this code.

**Character**

Building, site, or element that plays an important role in determining the purpose and/or the function of a streetscape or structure.

**Church**

See “Places of Worship.”

**City**

The City of Kirkwood in St. Louis County, Missouri

**City Council**

The City Council of the City of Kirkwood, Missouri

**Clubhouses**

A building used for the meeting, recreation, or social activity designed to accommodate and serve the residents of a subdivision or development to which the use is associated with and is privately owned or jointly owned by property owners through a homeowners' association or other non-profit organization and open only to bona fide members and guests of such organization.

**Code Text or Map Amendment**

An amendment or change to the text of this code or to the zoning map as reviewed and decided upon by the City Council in accordance with [§ 25-17](#).

**Community Garden**

A single piece of land that is gardened collectively by a group of people that may include individual garden plots designated for individual gardens.

**Completed Application**

An application that contains all information and/or data necessary to enable an informed decision to be made with respect to an application.

**Comprehensive Plan**

The current, adopted long-range plan intended to guide the growth and development of the City, based on study and analysis of the City's existing conditions, including population and housing, historic and natural features, general land use patterns and zoning regulations, and other development considerations.

**Consistent with the Architectural Style**

Elements identified as being characteristic of a particular architectural style that are described in the "Identifying Features, Principal Subtypes, and Variants and Details" contained in "A Field Guide to American Houses" by Virginia and Lee McAlester.

**Continuing-Care Retirement Facility**

A building or complex of buildings that provides elderly housing, catered living, and/or assisted living dwelling units, with skilled and intermediate care nursing units and accessory services for residents of the facility, and programs, outpatient care, and rehabilitation services provided by the facility to the general public.

**County**

St. Louis County, Missouri

**Craft Brewery, Winery, or Distillery**

A small-scaled, licensed manufacturing establishment that produces, processes, ferments, rectifies or blends craft brews, wines or distilled spirits. This use may include tastings and/or on-site sale and consumption of the products.

**Cul-de-Sac**

See "Street, Cul-de-Sac."

**Day Care Center, Adult**

A state-licensed facility that provides less than twenty-four-hour per day care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of these individuals. The facility shall not provide overnight accommodations.

**Day Care Center, Child**

A daycare center is a group program providing for more than 10 children in a family home or more than four children in a facility other than a family home



**Detached Garages and Carports**

An accessory building primarily intended for and used for the enclosed storage or shelter of not more than four private motor vehicles of the owner or occupant of the principal building that is detached from the principal building. While a garage is completely enclosed by walls and a garage door, a carport is a roofed structure, with a foundation, that provides space for the parking of vehicles and enclosed on not more than three sides.

**Detached Storage/Utility Sheds, Gazebos, Pool Houses, Greenhouses, and other Similar Accessory Buildings**

An accessory building, other than a detached garage, that is typically uses for storage of items utilized by the occupants of the dwelling or a building used for the general enjoyment of the occupants including, but not limited to, gazebos, structural trellises, storage sheds, etc. Such term shall not include “playsets”. Such buildings may contain noncommercial workshops utilized by the resident unless as part of a permitted home occupation.

**Developer**

Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or other legal entity commencing proceedings under this code to affect the development of land for himself or herself or for another.

**Development**

Any building, construction, renovation, mining, extraction, grading, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwellings units in a structure or a change to a commercial or industrial use from a less intense use.

**Development Plan**

A plan prepared to scale accurately showing, with complete dimensions, the boundaries of the site, the location of buildings, exterior lighting, landscaping, vehicular use areas, access drives, signs, outdoor storage areas, and any other features that comprise a proposed development that are further defined in [§ 25-18](#) and that demonstrate a development’s compliance with this code.

**Development, Mixed-Use**

A single development that includes a mixture of both residential uses and nonresidential uses.

**Director of Public Services**

The Director of Public Services of the City of Kirkwood, Missouri

**Disguised Support Structure**

Any freestanding man-made structure designed for the support of antennas, the presence of which is camouflaged or concealed as an appropriately placed architectural or natural feature. Such structures may include, but are not limited to, clock towers, campaniles, observation towers, signs, light standards, flag poles, and artificial trees.

**District, Zoning**

See “Zoning District.”

**Domiciliary Home**

An institution that furnishes food, shelter, and other nonmedical services, together with services such as assistance in normal daily activity, help with dressing, and supervision of medications for three or more individuals not related to the operator, and does not furnish or provide skilled nursing care, and does not admit and maintain bed patients.

**Downtown Master Plan Study Area**

The Downtown Master Plan Study Areas as established in the 2018 Downtown Master Plan and Parking Study, as amended.

**Drive-Through Facilities**

Any portion of a building from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-through" shall also include "drive-up" and "drive-in" facilities.

**Driveway**

A private access way used by vehicles and pedestrians for access to a parking space, garage, dwelling, structure, or a use of land.

**Drop-Off Boxes**

Drop-off boxes are small collection facilities where recyclable materials, clothing, or household goods are accepted from the public (e.g., neighborhood recycling stations and thrift store collection boxes).

**Dry-Cleaning Plant**

A facility where chemical solvents are used to dry-clean clothing and other fabrics. Establishments that are for the pick-up and drop-off of clothing for dry cleaning or laundering, where there is no cleaning on site, is considered a "personal and commercial service."

**Dwelling**

A building designed or used exclusively as the living quarters for one or more families.

**Dwelling Unit**

A building or portion thereof providing complete housekeeping facilities for one family.

**Dwelling, Multi-Family**

A dwelling or group of dwellings on one lot containing separate living units for three or more families, but that may have joint services or facilities or both.

**Dwelling, Row**

A dwelling in which the walls on one or two sides of which are in common with the walls of adjoining dwellings and are party or lot line walls.

**Dwelling, Single-Family**

A detached building designed for or occupied exclusively by one family.

**Dwelling, Two-Family**

A building designed for or occupied exclusively by two families living independently of each other.

**Easement**

A right granted by the owner of land to other parties to use such land for a specific purpose, such as public utility lines or for access to other properties.

**Educational Institution (Higher Education)**

Any private or public secondary educational institution that includes, but is not limited to: secretarial schools, colleges and universities, business schools, seminaries, or any other institution providing college-level curriculum.

**Educational Institution (Preschool and K-12)**

A public or private facility that provides a curriculum of primary, elementary, secondary or college preparatory academic instruction, including, but not limited to, preschools, kindergartens, elementary schools, middle schools, and high schools. This definition shall not be deemed to include colleges, trade or business schools, or other post-secondary education facilities. See "educational institution (higher education)."

**Essential Services**

See [§ 25-5\(b\)](#) for a full definition of essential services.

**FAA**

The Federal Aviation Administration

**Façade**

The exterior walls of a building or building face exposed to public view; the exterior face of a building that gives it a distinctive character.

**Family**

An individual or married couple and the children thereof and no more than two other persons related directly to the individual or married couple by blood or marriage and not more than one unrelated person, or otherwise a group of not more than four unrelated persons living together as a single housekeeping unit in a dwelling unit.

**Family Day Care Homes**

A family home in which family-like general supervision is given to six children or less, not related to the day-care provider, for any part of the 24-hour day. No practice of medicine or nursing care is permitted in a family day-care home.

**FCC**

The Federal Communications Commission

**Fence**

An artificially constructed barrier of wood, masonry, stone, chain link, non-vinyl clad, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

**Fence, Sightproof**

A solid, opaque fence or wall which substantially reduces the sight distance for adjacent properties and/or right-of-way

**Financial Institution**

A state- or federally chartered bank, savings association, credit union, or industrial land company that provides for the custody, loans, exchange or issue of money; the extension of credit, or facilitating the transmission of funds. This use does not include "small loan business or pawn shop."

**Finished First Floor Height**

The distance between the existing finished grade and the finished first floor. See [§ 25-46\(m\)](#).

**Floor**

The bottom or lower part of a room on which one stands or the horizontal structure that divides a building into stories.

**Floor Area Ratio**

The total floor area of the building divided by the total lot area. See [§ 25-46\(g\)](#).

**Footcandle**

A unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

**Fraternal Organization or Club**

A building or premises, or a portion thereof, owned or operated by a corporation, association, or group of persons for a social, educational, religious, or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business.

**Frontage**

All of the property abutting on one side of a street or places (crossing or terminating) or, if the street or place is dead-ended, then all of the property abutting on one side between an intersecting street or place and the dead end of the street or place.

**Funeral Home Service**

A building or establishment, or portion thereof, used for the preparation of deceased humans and ceremonies connected therewith prior to burial or cremation. This use does not include crematories.

**Gas/Fuel Station**

A building, premises, or portion thereof, which are used arranged, designed, or intended to be used for electric charging and/or the dispensing or retail sale of vehicle fuel. May also include an accompanying convenience store.

**Golf Course**

A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, pro shop, restrooms, driving range, cart rental, and shelters as accessory uses. The use does not include commercially operated golf-driving ranges or miniature golf as principal uses.

**Government Facility**

A building, structure, or other use owned, operated, or occupied by a governmental agency to provide services to the public, Examples include government office space, public parking lots or structures, police and fire stations, and public libraries. Uses that involve outdoor storage of materials or vehicles do not qualify as a governmental facility.

**Grade**

The average level of the finished surface of the ground adjacent to the sign, building, or other structure being measured.

**Grading**

The stripping, cutting, filling, or stockpiling, or any combination thereof of earth-disturbing activity, inclusive of land in its cut or filled conditions

**Green Infrastructure**

Stormwater management techniques that use natural systems, or engineered systems, that mimic natural process.

**Greenhouse, Commercial**

An establishment where plant materials are grown and related supplies are sold at retail or wholesale to the customer which include but may not be limited to plants, nursery products and stock, potting soil, hardware, power equipment and machinery, gardening hand tools, and utensils.

**Group Day Care Homes**

A group day-care home is a family home in which family-like care is given to at least seven, but not more than ten children, not related to the day-care provider, for any part of the 24-hour day. No practice of medicine or nursing care is permitted in a group day-care home.

**Group Home**

A home in which eight or fewer unrelated mentally- and/or physically-challenged persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically challenged persons residing in the home.

**Height, Towers**

The vertical distance measured from the average grade to its highest point and including the main structure and all attachments thereto.

**Historic Features**

Building elements or features that were part of the structure for over 50 years, or elements that have been indicated as character defining by the Secretary of the Interior, Landmarks Commission of the City, or the Architectural Review Board.

**Home Occupation**

A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use of the lot and does not adversely or perceptively affect the character of the lot or surrounding area.

**Hospital**

An establishment providing physical or mental health services, inpatient or overnight accommodations, and medical or surgical care of the sick or injured. The term "hospital" may include medical clinics; medical or surgical facilities; or medical, dental or physician office buildings and helipads when such buildings or facilities are situated on the same parcel upon which an above-defined institution is located and are owned by said institution.

**Hotel**

A building or group of buildings in which lodging is provided and offered to the public for compensation and in which ingress and egress to and from rooms is controlled or regulated through an inside lobby or office supervised by a person in charge at all hours, and which is open to transient guests. A restaurant, meeting rooms, and other accessory services may also be provided on the same premises.

**Housing for Religious Personnel**

A structure used for the purpose of housing persons on a permanent basis under religious vows or orders typically consisting of nuns, priests, monks, ministers, rabbis, imams, or other similar religious personnel.

**Human Scale**

Building, site, or architectural element that is scaled in relation to pedestrians.

**Improvement Plans**

The engineering plans showing types of materials and construction details for the proposed subdivision improvements.

**Improvements**

Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, structures, landscaping, and other related matters normally associated with the subdivision of raw land into building sites.

**Infill**

A project on a block with more than 40 percent of the frontage developed.

**Landmarks Commission**

The City of Kirkwood Landmarks Commission as established in Chapter 2, Article VII, Division 8 of the Municipal Code.

**Light Fixture**

The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output controls, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

**Light Manufacturing**

Industrial uses that include fabrication, manufacturing, assembly, or processing of materials that are in refined form and that do not in their transformation create smoke, gas, odor, dust, noise, vibration of earth, soot, or lighting to a degree that is offensive when measured at the property line of the subject property. Examples include the manufacturing of clothing, optical goods, ceramics, signs, fiber products, textiles, food products (except fish, meat, sauerkraut, vinegar, yeast, or rendering or refining of fats and oils) as well as machine shops and welding shops.

**Liquor Store**

An establishment or place of business primarily engaged in the retail sale of packaged alcoholic beverages for consumption off the premises. This use shall not include restaurants that sell packaged alcoholic beverages as an accessory to the principal use.

**Livestock Facility, Private**

A private residential facility that houses four or more animals that are permitted in accordance with the regulations set forth in Chapter 4, Animals and Fowl. Animals are kept for private use and not for hire, remuneration, or sale.

**Loading Space**

An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials that has an appropriate means of access.

**Lot**

A parcel, tract, plot, or area of land accessible by means of a street or place. It may be a single parcel separately described in a deed or plat that is recorded in the office of the county Recorder of Deeds or it may include parts of or a combination of such parcels when adjacent to one another and used as one.

**Lot Area**

The total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication. See [§ 25-46\(c\)](#).

**Lot Coverage**

The percentage of lot area covered by buildings or structures on the lot (footprint) divided by the lot area. See [§ 25-46\(f\)](#).

**Lot Depth**

The mean horizontal distance between the front lot line and the rear lot line, measured in the general direction of the side lot lines.

**Lot Line**

The boundary line defining the limits of the lot. Lot line is synonymous with "property line."

**Lot Line, Front**

In the case of an interior lot, that line separating such lot from the street. In the case of a corner lot or multiple frontage lot, the front lot line is that line separating such lot from either street. See [§ 25-46\(k\)](#).

**Lot Line, Rear**

A lot line opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. See [§ 25-46\(k\)](#).

**Lot Line, Side**

A lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line. See [§ 25-46\(k\)](#).

**Lot of Record**

A full and undivided lot that is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds; or a parcel of property described by metes and bounds, the description of which was recorded in the office of the Recorder of Deeds prior to incorporation or annexation by the City of Kirkwood or prior to February 24, 1967; or a developed parcel of property recorded in the office of the Recorder of Deeds.

**Lot Width**

The horizontal distance between the side lot lines, measured at right angles to the lot depth at the front setback line.

**Lot, Corner**

A lot that adjoins the point of intersection or meeting of two or more streets and in which the interior angle formed by the street lines is one 135 degrees or less. See [Figure 104-E](#).

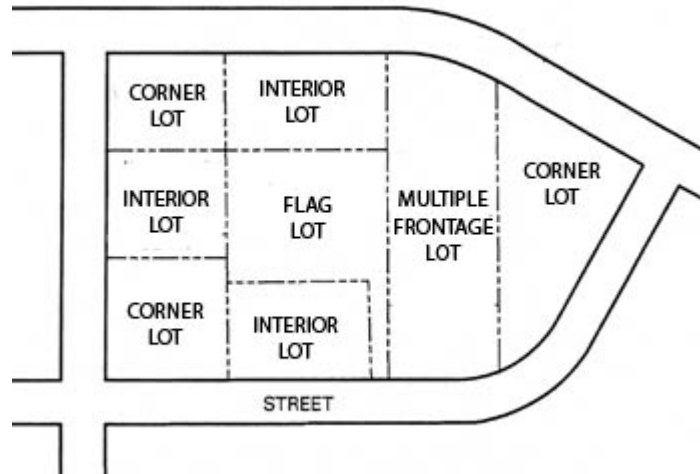


Figure 104-E: Illustrative example of typical lot types

**Lot, Curved or Cul-De-Sac**

A lot with frontage along a curved street or cul-de-sac. See [§ 25-46\(k\)](#).

**Lot, Multiple Frontage**

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See [Figure 104-E](#) and [§ 25-46\(k\)](#).

**Lot, Flag (Panhandle)**

A lot that traditionally has frontage on or abutting a public street but where access is provided through a narrow strip of land that fronts or has access to the street. See [Figure 104-E](#) and [§ 25-46\(k\)](#).

**Lot, Improved**

Any lot that contains a principal structure or use.

**Lot, Interior**

A lot that has a single street frontage, a rear lot line, and at least two side lot lines. See [Figure 104-E](#) and [§ 25-46\(k\)](#).

**Lot, Nonconforming**

A lot that does not meet the minimum lot width, street frontage, and/or lot area requirements of the applicable zoning district.

**Marijuana or Marihuana**

Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. “Marijuana” or “marihuana” do not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

**Marijuana-Infused Products**

Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures, and concentrates.

**Marquee**

A permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

**Materials, High-Quality**

The building materials that have a manufacturer's warranty for the material and color fastness greater than 20 years.

**Maximum Extent Feasible**

That no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize the potential harm or adverse impacts have been undertaken. Economic considerations may be taken into consideration.

**Mechanical Equipment**

Equipment, devices and accessories, the use of which relate to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

**Medical Marijuana Facility**

A facility licensed by the State of Missouri including the following:

- **Medical Marijuana Cultivation Facility:** A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a “medical marijuana dispensary facility,” “medical marijuana testing facility”, or to a “medical marijuana-infused products manufacturing facility.”
- **Medical Marijuana Dispensary Facility:** A facility licensed by the State of Missouri to acquire, store, sell, transport and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided by the State of Missouri to a Qualifying Patient, a Primary caregiver, another “medical marijuana dispensary facility,” a “medical marijuana testing facility,” or a “medical marijuana-infused products manufacturing facility.”
- **Medical Marijuana-Infused Products Manufacturing Facility:** A facility licensed by the State of Missouri to acquire, store, manufacture, transport, and sell marijuana-infused products to a “medical marijuana dispensary facility,” a “medical marijuana testing facility,” or to another “medical marijuana-infused products manufacturing facility.”
- **Medical Marijuana Testing Facility:** A facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.

**Medical or Dental Facility**

Facilities dedicated to the medical care and treatment of outpatients. Uses includes doctor offices, dentist offices, and medical clinics.

**Mezzanine**

An intermediate or fractional story between the floor and ceiling of a main story extending over part of the next floor below.

**Motor Vehicle**

Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors.

**Motor Vehicle Repair Shop, Major**

Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; and overall painting of vehicles.



**Motor Vehicle Repair Shop, Minor**

Incidental repairs, replacement of parts, and motor service to motor vehicles, but not including any operation specified under "motor vehicle repair, major."

**Motor Vehicle Repair Shop, 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.

**Municipal Code**

The City of Kirkwood, Missouri Municipal Code

**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.

**Outdoor Dining**

Areas on private sidewalks, patios, or other unenclosed areas, excluding vehicular use areas, that are designated for outdoor seating for more than 12 people where patrons may be served food and beverage for on-site dining.

**Outdoor Displays and Sales**

The placement of small products or materials for sale outside of a retail or wholesale sales establishment.

**Outdoor Recreation, Public**

Includes public recreational uses of open land, including but not limited to parks, camps, golf courses, racetracks, and archery ranges.

**Outdoor Seating**

Areas on private sidewalks, patios, or other unenclosed areas, excluding vehicular use areas, that are designated for outdoor seating for 12 or fewer people where patrons may be served food and beverage for on-site dining. Said areas may be located on public sidewalks in accordance with §20-95 of the Municipal Code.

**Outdoor Storage and Bulk Sales**

The keeping, storage, or sales of any goods, material, merchandise, or vehicles in the same place for more than 24 hours in an area that is not fully enclosed by a structure. This may include areas established for the sale of large and/or bulk items.

**Outdoor Vending Machines**

Vending machines are small machines that are capable of accepting money in return for the automatic dispensing of goods (e.g., drink machines, snack machines, video machines).

**Owner**

Any individual, firm, association, syndicate, co-partnership corporation, trust or any other legal entity, having legal title to or sufficient proprietary interest in the land.

**Parapet**

A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.

**Park or Playground (Publicly Owned)**

An outdoor area designed for unorganized recreation play. Playgrounds may consist of open space or informal play areas containing equipment such as swings, jungle gyms, seesaws, merry-go-rounds, backstops, goals, etc. Areas designed specifically for organized athletic events or containing buildings, bleachers, paved surfaces, field lights, or outdoor speakers are not included within the definition of "park or playground."

**Parking Area**

An area designed for the parking of vehicles that includes parking spaces and any driveways or access drives specifically related to the parking spaces.

**Parking Lot**

Any improved place, lot, parcel, or yard used in whole or in part for the storage or parking of two or more vehicles.

**Parking Space**

An off-street space available for the parking of one motor vehicle that has direct access to a street or alley.

**Parking Structure**

A building for the short-term storage of motor vehicles, having two or more tiers or levels. The top tier may or may not be roofed.

**Performance Guarantee**

A financial deposit to ensure that all improvements, facilities, or work required will be completed in conformance with the approved plan.

**Personal & Commercial Service**

Establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal & Commercial services may include, but are not limited to, laundromats, dry-cleaning (pick-up/drop-off only), barber shops, beauty salons, nail salons, massage therapy, physical therapy, mental health therapy, upholstery services, printing services, health and fitness studios, dance studios, tutoring establishments, music schools, informational and instructional services, tanning salons, and portrait studios.

**Place of Worship**

A religious institution for a congregation of any denomination to regularly attend, participate in, or hold religious services, meetings, and other activities, including buildings in which the religious services are held and administrative offices.

**Place of Worship, Administrative Offices**

Office space used in association with activities of a place of worship.

**Planning and Zoning Commission**

The Planning and Zoning Commission of the City of Kirkwood, Missouri as established in Chapter 2, Article VII, Division 2 of the Municipal Code.

**Plat**

A map graphically indicating a proposed land subdivision or re-subdivision prepared in a form suitable for filing for record, with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots, blocks, streets, alleys, public areas, and other dimensions of land.

**Plat, Final**

The final map of all or a portion of the subdivision that is presented to the Planning and Zoning Commission and City Council for final approvals in accordance with this code, and which, if approved, shall be filed with the proper county recording officer.

**Plat, Preliminary**

A plat of all parts of a subdivision prepared by a professional registered engineer or surveyor, incorporating recommendations and requirements of planning authorities, and showing topography, means of drainage, roadways, grades, sanitary and water service, and other information for preliminary approval in accordance with [§ 25-27](#).

**Playsets**

Recreational equipment for children that may include, but is not limited to, swings, slides, monkey bars, and play enclosures.

**Primary Façade**

The side of the building that faces the public right-of-way, and/or is the primary entrance to the structure. The building's placement on the site can have a great deal of influence on what will ultimately become its primary façade. Traditionally, the primary façade is the façade that faces the street on which it is located and that displays its street address; however, multi-tenant or mixed-use developments may result in the primary façade facing an interior court, parking lot, or pedestrian way that is separate from its street frontage/street address. With these types of developments particular attention will be paid to how equal weight is placed on both the primary and street frontage so as not to interrupt the original streetscape.

**Queuing Lane**

A portion of the vehicular use area on a site that is dedicated to the temporary storage or queuing of vehicles engaged in drive-through use of the site or development.

**Recreation Area**

A privately-owned park, playground, open space, swimming pool, etc. maintained by a community club, property owners' association, or similar organization.

**Recreational Development**

An outdoor or indoor facility designed for organized recreational activities, including but not limited to arenas, stadiums, rinks, auditoriums, or outdoor theaters.

**Remote Walls**

A wall not visible from any public right-of-way.

**Rescue Facility, Private**

Privately owned units that provide emergency medical services and may perform technical rescues for humans.

**Research and Development Organization**

An establishment conducting physical, chemical, or biological research.

**Residential Treatment Facility**

A facility used for the treatment of alcohol or other substance abuse where one or more patients are provided with care, meals, and lodging.

**Residential Use, Upper Floor**

Residential units on or above the second floor of a building.

**Restaurant**

An establishment or any portion thereof whose business includes the sale of food, frozen desserts, or beverages in a ready-to-consume state for consumption on the premises, carry out, delivery or any combination thereof. The interior space of such an establishment can be used for the preparation of food, as a serving area, seating/consumption area, or any and all combinations thereof. Except as otherwise limited herein, this shall include, but not be limited to, delis, fast-food restaurants, pizza restaurants, pizza delivery establishments, sit-down restaurants, or halls. Any outdoor seating or drive-throughs are accessory uses subject to the requirements of [Article V: Accessory Uses and Structures](#). This use does not include a "bar or tavern".

**Retail Business**

Any business selling goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale. A retail business use includes, but is not limited to, such uses as: supermarkets, department stores, discount stores, stores that sell electronics, pets (not including grooming services), hardware, apparel, medicine, bicycles, books, footwear, flowers, appliances, or furniture. Retail businesses may also offer incidental repair of products sold at the store, small-scale facilities for production (such as baked goods, candy, or soap), and incidental seating for no more than eight patrons to consume products sold on site. Retail Businesses do not include liquor stores, and tobacco or vapor product stores.

**Right-of-Way**

A strip or area of land reserved or acquired by dedication, prescription, condemnation, gift, purchase, eminent domain, or any other legal means, occupied or intended to be occupied by a street, sidewalk, railroad, utility, sewer, or other similar use. For public streets, the right-of-way typically includes the paved roadway, curbs, lawn strips, sidewalks, lighting, drainage facilities and utilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges. In the case of a private street, the right-of-way shall be dedicated to the property owners or trustees for street maintenance purposes.

**Roof Line**

Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette. In regards to sign placement, where a building has several roof levels, the pertinent roofline or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

**Roof, Gable**

A roof created from straight slopes falling from the ridge to eave, creating a triangle part of a building on the side or front façade.

**Roof, Hip**

A roof formed by four triangular shaped sides that meet at a pointed peak.

**Roof, Mansard**

A hipped roof containing a flat top and two roof pitches. A low-sloped roof pitches from the flat top then breaks to a steep pitch (almost vertical) above the exterior wall.

**Roof, Primary**

The roof over largest volume of the house.

**Roof, Secondary**

The roof(s) over areas other than the largest volume of the house.

**Roof, Shed**

A roof formed by a single, sloping plane from one end of building mass to the other.

**Satellite Dishes**

A parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.

**School**

See “Educational Institution.”

**Street, Secondary**

For lots that have multiple street frontages, the secondary street shall be all streets that do not serve as the primary street frontage for the lot.

**Self-Storage Facility**

A building or group of buildings divided into separate compartments used to meet the storage needs of individuals or small businesses.

**Setback**

The required minimum horizontal distance between a lot line or the proposed right-of-way, whichever is more restrictive and a building, surface parking lot or structure as established by this code.

**Setback Line**

A line established by this code generally parallel with and measured from the lot line or the right-of-way, whichever is more restrictive, defining the minimum distance a building, structure, parking area or outdoor storage area shall be located from the said lot or thoroughfare line, except as may be provided in this code.

**Setback, Building**

The setback required from any right-of-way and the principal or accessory building as established in this code.

**Setback, Front**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the front lot line. See [§ 25-46\(k\)](#).

**Setback, Rear**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the rear lot line. See [§ 25-46\(k\)](#).

**Setback, Side**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and a lot that is shared with another lot where such lot line is defined as a side lot line. See [§ 25-46\(k\)](#).

**Short-Term Rental**

The leasing of any residential property for less than 30 consecutive days. This use includes, but is not limited to bed and breakfast establishments and homes being rented through services such as AirBnB, VRBO, HomeAway, etc.

**Sidewalk**

That portion of the road right-of-way, easement, or private property that is improved for the use of pedestrian traffic by the general public.

**Site Plan Review**

The review of proposed site plans as reviewed and decided upon in accordance with [§ 25-19](#).

**Small Loan Business or Pawn Shop**

An establishment providing loans to individuals in exchange for personal checks or personal goods as collateral or that exchanges common currencies, sells money orders or cashier's checks, and cashes checks as its principal business activity. This shall not include a financial institution.

**Small Wind Energy Systems**

A wind electric system made up of a wind turbine mounted on a tower or building. See [§ 25-51](#).

**Solar Energy Systems**

Systems that convert the energy from sunlight into electricity, either directly through photovoltaics, indirectly using concentrated solar power, or a combination.

**Special Use Permit**

The review of special uses as reviewed and decided upon by the City Council in accordance with [§ 25-20](#).

**Sport Courts (Outdoor)**

An area of a yard that is permanently improved and surfaced for the recreational use of the property owner for games such as tennis, basketball, racquetball, and similar sports.

**Sport Equipment**

Small accessory basketball hoops, sport nets, goals, etc. not related to a "sport court" by which occupants of the principal use can play sports.

**Storage or Warehousing Firm, Indoor**

The placement, keeping or retention of equipment, materials, goods, or products for intermittent use or subsequent distribution or transfer. Uses include distribution warehouses, cold storage plants, and other storage facilities. Uses shall be conducted entirely indoors unless otherwise authorized by a special use permit.

**Story**

The part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above, and having a height consistent with the requirement of occupiable space as defined in the residential building code. Determination of the number of stories is per [§ 25-46\(j\)](#).

**Story, Ground**

The story of a building at or nearest the ground level that provides the main pedestrian access to the building from the nearest adjacent right-of-way.

**Story, Half**

A space under a sloping roof that is measured and further defined and illustrated in [§ 25-48\(c\)\(2\)](#).

**Street**

A general term denoting a public or private way that affords the principal means of vehicular access of abutting property. The term includes all facilities that normally occur within the right-of-way; it shall also include such other designations as highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, and/or court, but shall not include an alley, driveway, common driveway, driveway easement, or a pedestrianway.

**Street Grade**

The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

**Street, Collector**

Collector streets are designed to collect and distribute traffic between minor/local streets and between other minor/local street streets and other collector or major streets. A residential collector street is a collector that is located within the R-1, R-2, R-3, R-4, and R-MM Districts. A nonresidential collector street is a collector street that is located in all other zoning districts.

**Street, Cul-de-Sac**

A minor/local street of relatively short length with one end open to traffic and the other end permanently terminating in a vehicular turn-around.

**Street, Dead-End**

A street temporarily having only one outlet for vehicular traffic and that may be intended to be extended or continued in the future.

**Street, Major**

A street designed or used primarily for high vehicular speeds or heavy volumes of traffic on a continuous route. The following streets are hereby designated as major streets: Kirkwood Road, Big Bend Road, Manchester Road, Geyer Road, Adams Avenue, Dougherty Ferry Road, Woodlawn Avenue, Leffingwell Avenue, Ballas Road, Essex Avenue, Marshall Road, and any street with an average daily traffic of 5,000 vehicles.

**Street, Minor/Local**

A street designed primarily for providing access to individual lots within residential and nonresidential districts with the lowest traffic volumes of all street types. A residential minor/local street is a minor/local that is located within the R-1, R-2, R-3, R-4, and R-MM Districts. A nonresidential minor/local street is a minor/local street that is located in all other zoning districts.

**Street, Primary**

For lots that have multiple street frontages, the primary street is the street adjacent to the narrower lot frontage.

**Street, Private**

An area set aside to provide access for vehicular traffic within a development that is not dedicated or intended to be dedicated to the City and that is not maintained by the City.

**Street, Public**

An avenue, highway, road, thoroughfare, boulevard, parkway or other street proposed for vehicular traffic including any existing State, County, or City street or way shown upon a plat heretofore duly approved, filed and recorded in accordance with this code. Included in this definition is the land between the street right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulder, gutters, sidewalks, division strips or other areas within the street lines.

**Streetscape**

The continuation of the building massing of the primary façades at the front of the site helps to create the street wall. Effective streetscapes have a consistent front setback, are pedestrian friendly, and are not largely concealed or interrupted by parking.

**Structure**

Anything constructed or erected on the ground or attached to something having location on the ground, including, but not limited to, buildings, factories, sheds, detached garages, freestanding signs, and other similar items. Garden decorations, outdoor furniture, and paved surfaces shall not be deemed structures.

**Structure, Accessory**

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

**Structure, Legally Nonconforming**

A structure or portion thereof, lawfully existing on the effective date of this code, or amendments thereto, and which does not conform to the provisions of the code in the district in which it is located.

**Subdivider**

Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this code to affect a subdivision of land hereunder for themselves or for another.

**Subdivision**

The division of a lot, tract, or parcel of land into two or more lots, sites or parcels for the purpose of either immediate or future sale or building development, including the resubdivision of land or lots, boundary adjustments, and condominium plats as established in [§ 25-27](#) or [§ 25-26](#).

**Subdivision Modification**

A modification to any of the public improvement or subdivision design standards required in this code, as authorized by the Planning and Zoning Commission and City Council in accordance with [§ 25-27\(i\)](#).

**Swimming Pools (Outdoors)**

Any pool, lake, or open tank, primarily used for swimming or wading, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one foot. Such use shall be designed, used, and maintained for swimming or wading by the residents, tenants, or occupants of the subject property.

**Tattoo Studio**

An establishment whose activity, either in terms of operation or as held out to the public, includes the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any persons; using ink or other substances that result in the permanent coloration of skin by means of the use of needles or other instruments designed to contact or puncture the skin.

**Temporary Construction Structures**

A mobile home, trailer, dumpster, or similar temporary structure that is used as an office, storage, or collection of debris in conjunction with a construction project.

**Theater or Art Exhibition Space, Indoor**

A building for housing arts activities, including but not limited to dramatic presentations, stage entertainment, motion-picture shows, or visual arts exhibits



**Tobacco or Vapor Product Store**

A business establishment that is dedicated, in whole or primarily to the sale of tobacco, vapor products, and related goods.

**Tower**

A structure designed for the support of one or more antennas and including guyed towers, self-supporting (lattice) towers, or monopoles, but not disguised support structures or buildings. The term shall also not include any support structure under 55 feet in height owned and operated by an amateur radio operator licensed by the Federal Communications Commission.

**Traditional Masonry Unit Sizes**

In order to be in keeping with the context of other brick masonry buildings within Kirkwood a traditional unit size should be used. A traditional masonry unit size (standard/modular/norman) will result in three courses being equal to approximately eight inches in height for the vertical coursing.

**Truck Freight Terminal**

A connecting facility where carriers transfer shipments and rearrange trucks.

**Unenclosed Patios, Porches, and Decks**

Platforms and paved surfaces that may or may not be under roof and which do not have walls, including screened walls, but may have knee walls or railings. Patios may be attached to a building or may stand-alone on a lot whereas unenclosed porches and decks typically extend out as an attachment to a house or other building.

**Use**

Any purpose for which a lot, building, or other structure, or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

**Use, Accessory**

A use located on the same lot with the principal use of building or land, but incidental and subordinate to and constructed subsequent to the principal use of the building or land.

**Use, Legally Nonconforming**

Any building or land lawfully occupied by a use that was in accordance with the zoning regulations, if any, in existence when the use commenced and which, through subsequent enactments or changes of zoning regulations either prior to the passage of this code or by the passage of this code or amendments thereto, does not conform or did not conform thereafter with the use regulations of the district in which it is situated.

**Use, Principal or Main**

The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted, permitted with standards, or permitted through a special use permit.

**Use, Special**

A use that may be appropriate or desirable in a specified zoning district, but requires special approval through the special use permit procedure (See [§ 25-20.](#)) because, if not carefully located or designed, it may create special problems.

**Utility Substation**

Electrical facilities that act as an interface between parts of the distribution grid and transmission systems. A substation often transforms voltage from high to low, or the reverse, and is completely surrounded by fencing to prevent unauthorized access.

**Vapor Product**

Any noncombustible product that may or may not contain nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. Vapor product includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include any alternative nicotine product or tobacco product.

**Variance**

A modification of the strict terms of these regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of these regulations would result in a practical difficulty. See [§ 25-24](#).

**Vehicle Sale and Rental**

An establishment primarily engaged in the sale, lease, or rental of vehicles, including incidental servicing and outdoor display/storage of vehicles for sale. Vehicles shall include, but not be limited to, cars, boats, farm machinery, motorcycles, ATVs, golf carts, RVs, and trailers. Said establishment may include major/minor vehicle repair and/or vehicle wash facilities if approved as a special use. Establishments that conduct operations entirely indoors and do not utilize outdoor display or storage of products shall be treated as retail establishments, as defined herein.

**Vehicle Wash**

A building or portion thereof containing facilities for washing, waxing, drying, polishing, or vacuuming private automobiles, light trucks, and vans, but not commercial fleets. Coin-operated devices operated on a self-serve basis shall be construed to be the same. Said operation may contain outdoor activity if permitted in associated special use permit.

**Vehicular Use Area**

The entire paved area that encompasses all parking spaces, loading spaces, queuing spaces, and the access drives that provide access to those spaces but that does not include the entry drive or driveway with no direct access to a parking space, queuing space, or loading space.

**Vestibules**

An antechamber, hall, or lobby of a multi-family dwelling that has a roof and may be fully enclosed with walls or unenclosed with knee walls or railings.

**Violation**

The failure of a structure or other development to be fully compliant with these regulations.

**Wall**

An architectural partition with a height and length greater than its thickness; used to divide or enclose an area or to support another structure.

**Watercourse**

Any waterway or other body of water having well-defined banks, including rivers, streams, creeks, and brooks, whether continually or intermittently flowing; and lakes and ponds; and/or as shown on the official flood insurance map that accompanies the flood insurance study for the City.

**Wholesale Business**

Establishments that sell goods in bulk or large quantities to other businesses or establishments for the retail sale to others.

**Wind Energy Systems**

See “small wind energy system.”

**Wireless Communications Infrastructure**

Equipment and buildings needed to make cellular communications possible including towers, antennas, and associated electronic equipment.

**Yard**

An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this code. See [§ 25-46\(k\)](#) for rules of measurement and determination for all yard types.

**Yard, Front**

Unless otherwise stated in [§ 25-46\(k\)](#), a front yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. Said space may be occupied by steps, walks, terraces, driveways, lampposts, and similar structures.

**Yard, Rear**

Unless otherwise stated in [§ 25-46\(k\)](#), a rear yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. Said space may be occupied by steps, walks, terraces, driveways, lampposts, and similar structures.

**Yard, Side**

Unless otherwise stated in [§ 25-46\(k\)](#), a side yard is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

**Zoning District**

A section of the City for which uniform regulations governing the use, height, area, and intensity of use of buildings and land, and open spaces about buildings, are herein established.

**Zoning District Map**

A map entitled "Kirkwood, Missouri, Zoning District Map," dated as of the effective date of this code and forming a part hereof which sets forth the zoning classifications of the various areas of the City. Said map shall be amended whenever the zoning classification of any area of the City is changed.

**Zoning District, Nonresidential**

Nonresidential zoning districts shall include the B-1, B-2, B-3, B-4, B-5, I-1, and F-1.

**Zoning District, Residential**

Residential zoning districts shall include the R-1, R-2, R-3, R-4, R-MM, R-5, and R-6.