

St. Louis City Ordinance 62588

FLOOR SUBSTITUTE

BOARD BILL NO. [91] 353

INTRODUCED BY ALDERMAN DANIEL GRUEN , DANIEL MCGUIRE ,
MARIT CLARK

An ordinance relating to the Zoning Code of the City of St. Louis; amending Ordinance 59979, approved July 30, 1986, as amended by Ordinance 60483, approved August 6, 1987, by repealing Section Three. Zoning Definitions of Ordinance 59979 which is codified as Section 26.08.010 through 26.08.480 of the Code; repealing Section Six. 26.20 - "A" Single-Family Dwelling District of Ordinance 59979 which is codified as Section 26.20.010 through Section 26.20.090 of the Code; repealing Section Eight. 26.28 - "C" Multiple Family Dwelling District of Section One of Ordinance 60483 which is codified as Section 26.28.10 through 26.28.090 of the Code; repealing Section Eleven. 26.40 - "F" Neighborhood Commercial District of Ordinance 59979 which is codified as Section 26.40.010 through Section 26.40.100 of the Code; and enacting in lieu thereof four new Sections dealing with the same subject matters and bed and breakfast establishments; and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Ordinance 59979, approved July 30, 1986, is hereby amended by repealing Section Three, Section Six, Section Eleven, of said Ordinance and Section Eight of Section One of Ordinance 6043, approved August 6, 1987; and hereby enacted in lieu thereof are four new sections which shall be numbered and read as follows.

SECTION TWO. Section Three. 26.08. Zoning Definitions

26.08.010. Application of definitions - For the purpose of this Zoning Code certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular shall include the plural and the singular; the word "building" shall include the word "structure", the word "lot" shall include the word "plot"; and the word "shall" is mandatory and not directory. Any term not herein defined shall be construed as defined in the "Building Code of the City of St. Louis".

26.08.020. Accessory building - A subordinate building the use of which is incidental to that of the main building.

26.08.025. Accessory Use - The term applied to a use that is subordinate in physical character to the principal use, that is clearly incidental to the principal use and that is located on the same lot with the principal use.

26.08.030. Alley - A public thoroughfare which affords only a secondary means of access to abutting property.

26.08.035. Animal clinic - An establishment that is used for the practice of veterinary medicine.

26.08.040. Apartment house - A dwelling, multiple-family.

26.08.050. Basement - A story having part but not more than one half its height below grade. A basement shall not be included in computing the number of stories of buildings referred to in any part of the Zoning Code unless it is subdivided, rented, sold or leased for dwelling purposes.

26.08.053. Bed and breakfast guesthouse - A dwelling having not more than seven guestrooms where travelers for compensation are lodged for sleeping purposes with at least a morning meal provided. It is owner-occupied, and no more than three (3) guestrooms shall be served by one bathroom and a separate bathroom must be maintained for the owner occupants.

26.08.056. Bed and breakfast homestay - A dwelling having not more than two guestrooms where travelers for compensation are lodged for sleeping purposes with at least a morning meal provided. It is owner-occupied, having no employees, and lodging travelers.

26.08.058. Bed and breakfast inn - A building having not more than nineteen guestrooms where travelers for compensation are lodged for sleeping purposes with at least a morning meal provided. No more than three guestrooms shall be served by one bathroom and if owner or manager occupied, a separate bathroom must be maintained for said owner or manager.

26.08.060. Boarding House - A rooming house where, for compensation, meals are provided.

26.08.070. Building - Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind. When separated by division walls without openings, each portion of such building, so separated shall be deemed a separate building.

26.08.080. Building, height of - The vertical distance measured from the curb grade or its equivalent established grade at a point midway between the two side lot lines to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof excluding church spires, except that, where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the base of the front of the building.

26.08.090. Buildable width - The width of that part of the lot not included within the open spaces herein required in the Zoning Code.

26.08.100. Cellar - A story having more than one-half its height below grade. A cellar shall not be included in computing the number of stories of buildings referred to in any part of the Zoning Code unless it is subdivided, rented, sold or leased for dwelling purposes.

26.08.103. Clinic - An establishment that is used for the provision of medical treatment for sick or injured people, treatment of alcohol and drug abuse, and treatment of the mentally or physically handicapped on an outpatient basis.

26.08.104. Conditional use - A use not authorized as a matter of right by the regulations of the district in which the use is proposed to be located but subject to being authorized for such district by action of the Zoning Administrator. The appropriateness of a particular use is to be determined based on the requirements and standards specified in Section 26.80.

26.08.105. Conversion Town House - A town house as defined in Section 26.08.435; except that such town house is the product of a reconstruction or rehabilitation of a previously constructed dwelling, that the total number of town houses resulting from the reconstruction or rehabilitation is equal to or less than the total number of dwelling units previously existing in the dwelling, and that the aggregate area of all the town house lots resulting from the reconstruction or rehabilitation is no less than the area of the lot of the previously existing dwelling. Reference to a town house in this Zoning Code includes reference to a conversion town house unless a conversion town house is specifically distinguished.

26.08.110. Dwelling - Any building, or portion thereof, which is designed for or used for residential purposes.

26.08.115. Dwelling Unit - A room or group of rooms with cooking and sanitary facilities, occupied or arranged for occupancy by a single family.

26.08.120. Dwelling, Single-Family - A building containing one dwelling unit.

26.08.130. Dwelling, Two-Family - A building containing two dwelling units.

26.08.140. Dwelling, semi-detached two family - Two 2-family dwellings separated by a division wall.

26.08.150. Dwelling, Multiple-Family - A building containing three or more dwelling units, other than a town house, rooming or boarding house, bed and breakfast establishments, semi-detached two family dwelling, hotel or motel.

26.08.160. Family - A person, or group of persons immediately related by blood, marriage or adoption, living as a single housekeeping unit; also a group of not more than three (3) persons not necessarily related by blood, marriage or adoption, living as a single housekeeping unit.

26.08.162. Financial institution - An establishment that is engaged in the business of a bank, savings and loan association or other similar institution that is regulated by state or federal authority. Such establishment includes, without limitation, an office building or portion thereof devoted to such use, a drive-up facility, and a facility containing one or more automated teller machines.

26.08.165. Floor area - The total interior area of all floors of a building or structure measured to the inside face of the exterior walls but excluding stairwells, lobbies, common corridors and other nonleasable circulation areas, elevator shafts and space occupied by mechanical equipment or space related to the operation and maintenance of the building as well as that floor surface covered by walls or partitions enclosing these common areas or elements of a building.

26.08.166. Floor area ratio - The total floor area of a building or structure on any lot divided by the total area of that lot.

26.08.170. Frontage - All the land abutting on one side of a street or place between two intersecting streets or places (crossing or terminating) measured along the line dividing the street or place from the individual lots, or if the street or place be a dead end, then all the property abutting on one side between an intersecting street or place and the dead-end of the street or place, or if

neither of the above apply, then all the land abutting on one side of particular block as designated by house numbers.

26.08.180. Garage, private - A building or portion of a building designed or used for the housing of motor driven vehicles.

26.08.190. Garage, public - A building or portion of a building other than a private garage, a storage garage, or a warehouse garage, used for storage, equipping, repairing, hiring or selling of motor driven vehicles.

26.08.200. Garage, storage - A building or portion of a building, other than a private garage, used exclusively for storage of motor driven vehicles.

26.08.210. Garage, warehouse - A building or portion of a building used exclusively for the storage of motor driven vehicles awaiting sale.

26.08.230. Guestroom - A room for lodging by no more than four (4) persons in a bed and breakfast establishment.

26.08.240. Home occupation - An accessory use of a dwelling unit that constitutes either entirely or partly the livelihood of a person living in the dwelling unit. See Section 26.80.060 - Home Occupations.

26.08.245. Home for senior citizens - A residential building containing eight or more bedrooms limited to the use and occupancy of any persons, married or single, 62 years of age or over; such building shall not be used for such purposes as a convalescent or nursing home.

26.08.250. Hospital - An institution providing medical treatment and overnight bed care for the sick or injured.

26.08.260. Hotel - A building, other than a bed and breakfast inn, used as the abiding place of more than 20 persons who are for compensation lodged with or without meals.

26.08.270. Lot - A parcel of land occupied or proposed for improvement with one main building together with the accessory structures and uses customarily incidental to it and including such open space as is required under the Zoning Code, which parcel of land is either referred to in Section 26.80.050 or has its principal frontage either on a public street or place on a private residence street of record. Land that was formerly part of another lot and that was required for compliance with area regulations for an existing building on such other lot shall

not be considered in determining whether a building to be erected, enlarged, structurally altered or moved complies with applicable area regulations.

26.08.280. Lot, corner - A lot abutting on two streets at their intersection.

26.08.290. Lot, depth of - The minimum horizontal distance between the front and rear lot lines.

26.08.300. Lot, interior - A lot other than a corner lot.

26.08.310. Lot, lines - Lines bounding a lot, as defined herein.

26.08.320. Lot, through - An interior lot having a frontage on each of two streets parallel or approximately parallel to each other.

26.08.325. Motor fuel pumping station - An establishment having one or more pumps wherein a principal activity is the sale of motor fuel that is directly dispensed to the consumer's vehicle.

26.08.330. Non-conforming use - Any building or land lawfully occupied by a use on May 25, 1950, or on the effective date of any amendment to Ordinance 45309, and which is in conflict with one or more of the regulations of the district in which it is situated.

26.08.331. Non-conforming structure - A structure which existed lawfully prior to May 25, 1950, or on the effective date of any amendment to Ordinance 45309, and which is in conflict with one or more of the regulations of the district in which it is situated.

26.08.337. Package liquor store - An establishment at which primarily liquor products are sold at retail and not for consumption on the premises.

26.08.340. Parking lot, commercial - A lot on which space for parking is offered to the general public in return for a consideration or compensation.

26.08.350. Parking space - A surfaced area, exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected directly with a street or alley or connected thereto by a driveway. The layout, arrangement and dimensions of drives and parking spaces shall be in accordance with Section 26.16.080.

26.08.360. Place - An open unoccupied space other than a street or alley permanently reserved and approved by the Board of Public Service as the principal means of access to abutting property.

26.08.370. Premises - A continuous area of land and any structures thereon all under a single ownership or operation under a single direction, which premises may include one or more adjacent lots, or fractions of lots.

26.08.375. Restaurant - An establishment where meals or refreshments are sold to the public.

26.08.377. Restaurant, carry-out - A restaurant where food, frozen dessert, or beverages are primarily sold in a packaged, ready-to-consume state, intended for ready consumption by the customer on or off the premises.

26.08.380. Rooming house - A dwelling, other than a hotel or bed and breakfast establishment, where, for compensation, lodging only is provided.

26.08.385. Sign - Any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, word, model, banner, flag, insignia, decoration, device, or representation used as, or in the nature of, an announcement, direction, advertisement, or attention directing device.

26.08.387. Sleeping room - A room or group of rooms, without cooking facilities, comprising sleeping accommodations for one family, within a rooming house or hotel.

26.08.390. Story - That part of a structure contained between the level of one finished floor, or, if the top story, that part of a structure contained between the level of the highest finished floor and the ceiling above it.

26.08.400. Story, half - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than 3 feet above the top floor level and in which space not more than two-thirds of the floor area is finished for use.

26.08.410. Street - A public thoroughfare which affords principal means of access to abutting property.

26.08.420. Structural alteration - Any change in the supporting members of a building such as bearing walls, columns, lintels, beams or girders.

26.08.430. Structure - A combination of material assembled, constructed or erected at a fixed location, including a building, the use of which requires location on the ground or attachment to something located on the ground.

26.08.433. Tourist home - A bed and breakfast establishment.

26.08.435. Town house - A series of attached single-family dwellings separated by exterior quality walls or a common wall between units as required by the St. Louis building code, except that the maximum number of abutting dwelling units in any town house series shall not exceed eight, that each dwelling unit shall front wholly and directly upon a public street, or private place or upon a courtyard or way through which the owner of the town house dwelling unit has legally guaranteed ingress and egress to a public street or private place, and that each such dwelling unit shall have a dimension of not less than 14 feet along the width of the dwelling unit. Any contiguous grouping of five or more town house dwelling units to be developed as herein defined shall be subject to the provisions and requirements of Section 26.16.100.

26.08.440. Yard - Open space between buildings and the adjoining lot line which is open to the sky unobstructed by a structure other than (1) sills, belt courses and ornamental features not to exceed 4 inches; (2) that portion of cornices or roof overhang and fixed awnings that is 3 feet or less (except that, when a yard is required, cornices, roof overhang and fixed awnings shall not be any closer to any lot line than 2 feet); (3) that portion of open fire escapes, unenclosed porches or balconies that is 3 feet or less (except that, when a yard is required, open fire escapes, unenclosed porches or balconies shall not be any closer to any lot line than 3 feet); and (4) ordinary projection of chimneys and pilasters when placed so as not to obstruct light and ventilation.

26.08.450 Yard, front - A yard measured across the width of the entire lot and situated between the front lot line and the nearest portion of the main building other than steps, unenclosed balconies or unenclosed porches.

26.08.460. Yard, rear - A yard measured between the side lot lines, the rear lot line and the nearest portion of the main building other than steps, unenclosed balconies or unenclosed porches.

26.08.470. Yard, side - A yard measured between the side lien of the lot and the main building or any projection thereof and extending from the front yard to rear yard.

26.08.480. Zoning Administrator - A position created within the Department of Public Safety and appointed by the Building Commissioner. The position is responsible for administering and enforcing the Zoning Code, in accordance with Chapter 26.88.

SECTION THREE. Section Six. 26.20 - "A" SINGLE -FAMILY DWELLING DISTRICT

26.20.010. District regulations - The regulations set forth in this Chapter are the district regulations in the "A" Single-Family Dwelling District.

26.20.020. Use regulations - A building or premises shall be used only for the following purposes:

1. Single family dwellings:

A. Any dwelling is so defined as a single family residence because it is a house in which eight or fewer unrelated mentally or physically handicapped persons reside, and may also 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 handicapped person residing in the home may not be within 1,250 feet of another such home or dwelling.

2. Two-family dwellings which comply with the area and parking regulations of the "B" Two-Family Dwelling District where 40 percent or more of the frontage of a street is occupied by either two-family, semi-detached two-family or multiple-family dwellings;

3. Home occupations, subject to the provisions of Section 26.80.060;

4. Publicly owned parks, playgrounds and libraries and privately owned parks and playgrounds wherein no service is rendered, or activities conducted, as a business;

5. Accessory structures and uses customarily incidental to any of the above uses except that, if the accessory structure is a garage, it shall only be a private garage that it located not less than 60 feet from the front line nor less than 4 feet from any side lot line nor exceeding 12 feet in height nor occupying more than 30 percent of a rear yard;

6. Temporary buildings for use incident to construction work, which buildings shall be removed upon the completion or abandonment of the construction;

7. Signs - See Chapter 26.68.

8. Babysitting Center - but no more than one on either side of the street in the same block.

26.20.025. Conditional Uses - The following conditional uses may be allowed in the "A" Single-Family Dwelling District, subject to the provisions of Section 26.80:

1. Bed and breakfast guesthouse, subject to the additional provisions of Chapter _____ (B.B.355);

2. Bed and breakfast homestay, subject to the additional provisions of Chapter _____ (B.B.355);

3. Cemeteries;

4. Churches;

5. Farming and truck gardening;

6. Governmental buildings;

7. Greenhouses, providing no product is sold on the premises;

8. Hospitals;

9. Off-street automobile parking facilities;

10. Parking facilities and open lots located between the front yard and the structure;

11. Publicly owned museums and art galleries;

12. Schools;

13. Utility stations and utility towers.

26.20.030. Parking for multiple dwellings - Dwellings shall provide space in the main building, in an accessory building, or on the lot occupied by the main building, sufficient to accommodate one (1) motor car for each dwelling unit.

26.20.035. Parking for hospitals - Any hospital shall provide parking space within 500 feet of the main building sufficient to accommodate 1 parking space for every 2 beds, plus 1 space for every doctor on the maximum shift.

26.20.040. Parking for places of assembly - Any arena, auditorium, meeting room, or other structure used principally as a place of public assembly, shall provide parking space within 1,000 feet of the main building or structure sufficient to accommodate 1 parking space for every 3 seats based on maximum seating capacity, except as noted herein.

1. Any athletic field or diamond used principally as a place of public recreation shall provide parking space sufficient to accommodate 10 parking spaces for every diamond or athletic field, or 1 space for every 4 seats, whichever is greater (1 seat is equal to 2 feet of bleacher length).

2. Any gymnasium without bleachers or fixed seating shall provide parking space sufficient to accommodate 1 parking space for every 150 square feet of floor area.

3. Any church shall provide parking space sufficient to accommodate 1 parking space for every 4 seats (1 seat equals 2 feet of bench or pew length).

4. Any school, public or private, including vocational/technical schools shall provide parking space sufficient to accommodate 1 parking space for every classroom and office, plus 1 space for every 5 students over 16 years of age.

26.20.050. Height regulations - No building hereafter erected shall exceed 2-1/2 stories or 35 feet in height unless two side yards of not less than 10 feet in width are provided, in which case a building may not exceed 3 stories or 45 feet in height. Any church, school or governmental building may be erected to a height not exceeding 85 feet, provided that front and rear yards are increased in depth and the side yards are increased in width beyond the area regulations 1 foot for each foot of height that the building exceeds 35 feet.

26.20.060. Front yard - When 25 percent of any frontage within the district is improved with dwellings and a majority of such improved frontage has observed a front yard line with a variation in depth of not more than 6 feet, no building hereafter constructed shall project beyond the average front yard line so established except that in no event shall the front yard line be greater than 50 feet. In all other cases, there shall be a front yard line of not less than 25 feet. Through lots shall have a front yard on each street in accordance with this section. On corner lots the frontage shall be on that side of a street on which

interior lots have been platted. No accessory building shall project beyond such front yard line.

26.20.070. Side yard - There shall be provided a side yard of not less than four (4) feet in width on each side of a building, and the total width of both side yards shall be not less than ten (10) feet; provided however, that lots of record prior to the effective date of this Zoning Code having a width of less than (40) feet, may reduce the total side yard width by an amount equal to one-half (1/2) the difference between the width of such lot and forty (40) feet, but in no case shall either side yard be less than three (3) feet in width.

26.20.080. Rear yard - There shall be a rear yard of not less than 25 feet in depth.

26.20.090. Density of population - Except as provided in Section 26.20.020.2, there shall be a lot area of not less than four thousand (4,000) square feet for each dwelling unit. Lots of record prior to the effective date of Ordinance 45309 having an area of less than four thousand (4,000) square feet may be used for one (1) single-family dwelling provided the yard regulations of this section are complied with.

SECTION FOUR. Section eight. 26.28 "C" Multiple-Family Dwelling District

26.28.010. District regulations - The regulations set forth in this Chapter or set forth elsewhere in the Zoning Code when referred to in this Chapter are the district regulations in the "C" Multiple-Family Dwelling District.

26.28.015. Purpose - The purpose of the "C" Multiple-Family Dwelling District is to establish and preserve medium density residential districts free from other uses except those both compatible and convenient to the residents of such district.

26.28.020. Use Regulations - A building or premises shall be used only for the following purposes:

1. Any use permitted in the "B" Two-Family Dwelling District.
2. Town houses that front wholly and directly upon a public street.
3. Multiple-family dwellings;

4. Parks or playgrounds;

5. Accessory structures and uses customarily incidental to any of the above uses;

6. Temporary buildings for use incident to construction work, which buildings shall be removed upon the completion or abandonment of the construction.

26.28.025. Conditional uses - The following conditional uses may be allowed in the "C" Multiple-Family Dwelling District, subject to the provisions of Section 26.80.010:

1. Any uses eligible to be a conditional use in the "B" Two-Family Dwelling district;

2. Bed and breakfast inn, subject to the additional provisions of Chapter ____ (B.B. 355);

3. Day care centers;

4. Town houses where one or more dwelling units front wholly or partially on a private place or upon a court-yard or way through which the owner of the town house dwelling unit has legally guaranteed ingress and egress to a public street or private place.

26.28.030. Parking regulations. - The parking standards in "A" Single-Family Dwelling District shall apply, except as modified by Section 26.28.010.

26.28.040. Parking space - Each new multiple-family dwelling shall provide parking space sufficient to accommodate one motor car for each one dwelling unit. Each rehabilitated or reconstructed dwelling shall provide parking space sufficient to accommodate three motor cars for each four dwelling units. Notwithstanding the foregoing two sentences, in the case of multiple-family dwellings constructed exclusively for occupancy by elderly or blind or other physically handicapped persons and structurally designed in accordance with specific Federal Housing Administration requirements for such dwellings, the required amount of parking is reduced from the specified ratio by 40 percent if adequate space is provided in the dwelling, in an accessory building, or on the lot to ensure that parking space as otherwise required by zoning district regulations will be available in the event of a change in occupancy. No such parking space, including any interior aisle of any parking lot shall extend into any minimum required rear or side yard area.

26.28.050. Height regulations - Dwellings and accessory structures may not exceed a height of three stories and 45 feet, unless 40 percent or more of the dwellings or accessory structures having the same frontage are higher, in which case a height equal to or less than that greatest height may be used. Any church, school, governmental building or hospital may be erected to a height not exceeding 85 feet, providing the side yards are increased in width beyond the area regulations 1 foot for each 3 feet of height that the building exceeds 35 feet.

26.28.060. Front yard area -

1. When 25 percent of any frontage within the district is improved with dwellings and a majority of such improved frontage has observe a front yard line with a variation in depth of not more than 6 feet, no building hereafter constructed shall project beyond the average front yard lien so established, except that in no event shall the front yard line be greater than 50 feet. If less than 25 percent of such frontage is developed, then a front yard line for such frontage shall be the same as that for any other frontage located within two city blocks, as designated by house numbers in any direction from the site. If no such precedent is available, then the front yard line shall be a minimum of 10 feet, but may not be reburied to exceed 25 feet from the lot line at the front of the lot.

2. Notwithstanding the preceding paragraph, no front yard shall be required to exceed the average depth of the front yard line in either of the lots abutting, and no front yard line shall be required to be greater than 50 feet from the front lot line.

26.28.080. Rear yard -

1. There shall be a minimum rear yard of 15 feet unless a side yard of 12 feet is provided, in which case no rear yard shall be required.

2. All residential accessory structures need not have a rear yard.

3. If, as permitted above, no rear yard is provided, a maintenance easement must be granted by the owner of the rear abutting property prior to zoning approval.

26.28.090. Density of population -

1. Detached single-family dwellings shall have a lot area of not less than 4,000 square feet, except that lots of record prior to the effective date of Ordinance 45309 and new lots that equal the average density of the original platted parcels may be used for one single-family dwelling, provided the yard regulations of this section are complied with.
2. Town houses and two-family dwelling shall have a lot area of not less than 1,000 square feet for each dwelling unit therein.
3. Conversion town houses dwellings shall not be required to have a minimum lot area.
4. Multiple-family dwelling units shall have a lot area of not less than 1,500 square feet for each dwelling unit therein, or as was lawfully provided in an existing building prior to rehabilitation.

SECTION FIVE. Section Eleven. 26.40. "F" NEIGHBORHOOD
COMMERCIAL DISTRICT

26.40.010. District regulations - The regulations set forth in this Chapter or set forth elsewhere in the Zoning Code when referred to in this Chapter are the district regulations in the "F" Neighborhood Commercial District.

26.40.015. Purpose - The purpose of the "F" Neighborhood Commercial District is to establish and preserve those commercial and professional facilities that are especially useful in close proximity to residential areas. The district is designed to provide convenient shopping and servicing establishments for persons residing in the immediate neighborhood to satisfy those basic home and personal shopping and service needs which occur frequently and so require retail and service facilities in relative proximity to places of residence, so long as such uses are compatible with and do not detract from adjacent residential uses.

26.40.020. Use regulations - A building or premises shall be used only for the following purposes:

1. Any use permitted in the "E" Multiple-Family Dwelling District;
2. Art galleries and studios;
3. Bakery Shops;
4. Barber and beauty shops;

5. Bed and breakfast guesthouse, subject to the provisions of Chapter _____ (B.B. 355);
6. Bed and breakfast homestay, subject to the provisions of Chapter _____ (B.B. 355);
7. Bed and breakfast inn, subject to the provisions of Chapter _____ B.B. 355);
8. Bookstores;
9. Butchershops;
10. Computer stores;
11. Drug stores;
12. Dry cleaning stations (not having on-site processing);
13. Financial institutions;
14. Florists;
15. General offices;
16. Grocery and other retail stores;
17. Hardware stores;
18. Professional offices;
19. Shoe repair shops;
20. Video and record stores;
21. Mixed uses which include any of the permitted residential and commercial uses;
22. Accessory structures and uses customarily incidental to any of the above uses;
23. Temporary buildings for use incident to construction work, which buildings shall be removed upon the completion or abandonment of the construction.

24. Any permitted use exceeding 3,500 square feet provided it is not within a commercial structure to be erected, enlarged, structurally altered or moved.

26.40.025. Conditional uses - The following conditional uses may be allowed in the "F" Neighborhood Commercial District, subject to the provisions of Section 26.80.:

1. Any use eligible to be a conditional use in the "E" Multiple-Family Dwelling District;
2. Bars and taverns;
3. Package liquor stores;
4. Parking lots;
5. Private clubs or lodges;
6. Restaurants and carry-out restaurants that meet the site requirements specified in Section 26.40.026;
7. Theaters;
8. Commercial uses similar to those permitted in Section 26.40.020;
9. Any permitted use which exceeds 3,500 square feet within a commercial structure to be erected, enlarged, structurally altered or moved;
10. Motor fuel pumping stations that meet the site requirements specified in 26.40.027;
11. Any permitted or conditional use that utilizes a sales or service window or facility for customers who are in cars.

26.40.026. Site requirements for carry-out restaurants - Carry-out restaurants shall comply with the requirements of either of the following numbered paragraphs:

1. The carry-out restaurant is not a carry-out restaurant that sells to customers who are in cars or who consume the sold products in cars parked on the carry-out restaurant premises, nor is it a carry-out restaurant that sells products through a sales window, to customers who are in cars, for immediate consumption by the customer either on or off the premises provided that:

- A. The carry-out restaurant does not have any free standing sign;
- B. The total square footage of all signs attached to the building does not exceed 150 square feet, nor do signs extend above the roof of the building or extend more than 15 feet in height above grade; and
- C. No sign shall have any moving part or be illuminated from any flashing or intermittent source; or

2. The carry-out restaurant is a carry-out restaurant that sells to customers who are in cars or who consume the sold products in cars parked on the carry-out restaurant premises, or is a carry-out restaurant that sells products through a sales window to customers who are in cars for immediate consumption by the customers either on or off the premises provided that:

A. For lots that are contiguous with or directly across a street, alley, public or private easement from a dwelling district:

(1) The lot contains a minimum of 20, 000 square feet.

(2) The carry-out restaurant does not have more than one freestanding sign. Said sign shall not exceed 25 feet in height nor exceed on all faces a total of 150 square feet of sign copy and shall be a minimum of 50 feet from any existing residential use or dwelling district and shall not contain any description or lettering thereon other than the establishment's name and/or symbol and item prices. (

3) The total square footage of signs attached to the buildings shall not exceed 100 square feet per side facing a street, nor shall signs attached to any one facade occupy more than one-tenth of the facade, nor shall signs extend above the roof of the buildings or extend more than 25 feet in height above grade. Buildings on corners facing two streets may have a sign facing each street.

(4) A drive through menu board not exceeding 40 square feet per face nor more than 6 feet in height and a separate speaker post in the drive through area and behind the required front yard with a sound system not audible at the lot lines may be erected. Traffic direction signs shall not exceed 4 square feet per facing and 4 feet in height.

(5) No sign shall have any moving part or be illuminated from any flashing or intermittent source;

(6) A minimum of 15 parking spaces shall be provided on a lot. Parking areas shall be screened at all property lines with a 10 foot landscaped strip contiguous with or directly across an alley or public or private easement, other than a public street, from any existing residential use or dwelling district. Parking area screens shall consist of a minimum 2 foot high berm and a masonry or wood barrier that is at least 70 percent opaque and not less than 6 feet in height and shall be maintained in good order.

(7) A landscape strip not less than 3 feet in width shall be provided along all public streets and shall contain 2 foot high solid landscaping or a masonry wall not less than 2 feet in height except that these elements shall not be required in approved driveways. Street trees shall be installed in the tree lawn, between the public sidewalk and public street, when the tree lawn has sufficient width, or street trees with grates shall be installed in public sidewalks where the sidewalk has sufficient width and is on an earth base with a minimum of 25 feet between trees not including driveways. A minimum of 15% of the lot area shall be landscaped, including screening areas.

(8) All parking stalls shall be provided with continuous secured curbing not less than 6 inches high and 18 inches wide to insure careful location of the parked cars.

(9) Exterior refuse container enclosures shall have masonry walls not less than 5 feet high and latched doors. All trash disposal containers shall be located on the site in a manner which will establish their permanent location. At a minimum such trash containers shall be located at every entrance and exist to the premises.

(10) There shall be no other carry-out restaurant along the same street (or streets in the case of a corner location) nearer than 600 feet unless the average weekday traffic volume along such street or streets is more than 7,500 vehicles per day per carry-out restaurant. However, in no case shall a carry-out restaurant as provided for herein be permitted nearer than 300 feet from another such use on the same side of the street and in no case shall an additional such use be permitted at an intersection if two such uses already exist at that intersection.

(11) No vehicular access shall be allowed to any public alley abutting a residential zoning district.

(12) Parking area light poles shall be metal or masonry with underground wiring and not exceed 22 feet in height and adjusted so that no more than .5 foot candle (measured at grade) falls on any abutting residential lot.

B. For lots that are not contiguous with or directly across a street, alley, public or private easement from any dwelling district:

(1) The lot contains a minimum of 20,000 square feet.

(2) The restaurant does not have more than one freestanding sign except that carry-out restaurants on a corner facing two public streets may have one freestanding sign per street frontage provided that at least one such frontage is 200 feet or greater. Said signs shall not exceed 25 feet in height plus one foot in height for each additional 1,000 square feet of lot area in excess of 20,000 square feet nor exceed on all faces a total of 200 square feet of sign copy provided that said signs shall not exceed the maximum permitted height for the district.

(3) The total square footage of signs attached to the buildings shall not exceed 200 square feet per side facing a street nor shall signs attached to any one facade occupy more than one-tenth of the facade, nor shall signs extend above the roof of the buildings or extend more than 25 feet in height above grade. Buildings on corners facing two streets may have a sign facing each street.

(4) A drive through menu board not exceeding 40 square feet per face nor more than 6 feet in height and a separate speaker post in the drive through area and behind the required front yard with a sound system not audible at the lot lines may be erected. Traffic direction signs shall not exceed 6 square feet per facing and 6 feet in height.

(5) No sign shall have any moving part or be illuminated from any flashing or intermittent source.

(6) A minimum of 15% parking spaces shall be provided on a lot.

(7) A minimum of 10% of the lot area shall be landscaped, including screening areas. A landscaped strip not less than 3 feet in width shall be provided along all public streets and shall contain a 2 foot high solid landscaping or a masonry wall not less than 2 feet in height except that these elements shall not be required in approved driveways.

(8) All parking stalls shall be provided with continuous secured curbing not less than 6 inches high and 18 inches wide to insure careful location of parked cars.

(9) Exterior refuse container enclosures shall have masonry walls not less than 6 feet high with latched doors. All trash disposal containers shall be located on the site in a manner which will establish their permanent location. At a minimum such trash containers shall be located at every entrance and exit to the premises.

(10) There shall be no other carry-out restaurant along the same street (or streets in the case of a corner location) nearer than 600 feet unless the average weekday traffic volume along such street or streets is more than 7,500 vehicles per day per carry-out restaurant. However, in no case shall a carry-out restaurant as provided for herein be permitted nearer than 300 feet from another such use on the same side of the street and in no case shall an additional such use be permitted at an intersection if two such uses already exist in that intersection.

(11) Parking area light poles shall be metal or masonry with underground wiring and not exceed 22 feet in height.

26.40.027. Site requirements for motor fuel pumping stations - Motor fuel pumping stations shall comply with the requirements in either of the following numbered paragraphs:

1. The motor fuel pumping station is wholly contained within the accessory to a parking facility, provided there are no exterior signs on the premises advertising the motor fuel pumping station location, or

2. All other motor fuel pumping stations provided that:

A. There shall be no other motor fuel pumping station along the same street (or streets in the case of a corner location) nearer than 600 feet unless the average weekday traffic volume along such street or streets is more than 7,500 vehicles per day per station. However, in no case shall a station as provided for herein be permitted nearer than 300 feet from another such use on the same side of the street and in no case shall an additional station be permitted at an intersection if two such stations already exist in that intersection.

B. Not more than one free-standing sign shall be permitted, said sign shall not exceed 25 feet in height nor exceed on all faces a total of 150 square feet of sign copy and shall be a minimum of 50 feet from any existing residential use

or dwelling district and shall not contain any description or lettering thereon other than the establishment's name, symbol and item price.

C. The total square frontage of all signs attached to the buildings shall not exceed 100 square feet, nor shall signs attached to any one facade occupy more than one-tenth of the facade, nor shall signs extend above the roof of the buildings or extend more than 25 feet in height above grade. Two streets may have a sign facing each street.

D. Not more than one sandwich board type sign shall be permitted which shall indicate the types of gasoline for sale and the price thereof. Said sign shall not be placed on or extend into any public right-of-way;

E. All banners, pennants and similar devices designed for temporary outdoor display shall be prohibited. All graphics shall be exhibited as a permanent source or displayed from permanently mounted sign backgrounds;

F. No sign shall have any moving part or be illuminated from any flashing or intermittent source;

G. Stations shall be screened at all property lines contiguous with or directly across an alley or public or private easement, other than a public street, from existing residential uses and dwelling districts. Screens shall consist of a masonry or wood barrier that is at least 70 percent opaque and not less than 6 feet in height and shall be maintained in good order;

H. A Trash enclosure, 6 feet in height, constructed of masonry or wood and opaque, shall be provided. Said enclosure shall be enclosed on all sides, and have a solid gate 6 feet in height providing access to the trash area. Trash shall not exceed the height of the enclosure. No trash, including, without limitation, discarded oil cans, batteries, signs, and tires, shall be stored on any section of the site, except within an enclosed structure;

I. All hoists, service racks, accessory sales racks and vending machines shall be maintained within an enclosed building;

J. No driveway shall be closer than 20 feet to any residential use or dwelling district; and

K. No pump island shall be nearer than 20 feet to a property line.

26.40.030. Parking regulations - The parking standards in the "E" Multiple Family Dwelling District, except as modified by Section 26.40.040 shall apply.

26.40.040. Specific parking and loading regulations - In addition, the following uses shall provide parking space within 1,000 feet of the main building:

1. Retail stores with floor area of more than 3,000 square feet shall provide parking space sufficient to accommodate one motor car for each 700 square feet of floor area in excess of 3,000 square feet which is actually used for the selling of merchandise.
2. Banks and office buildings with floor area of more than 7,500 square feet shall provide parking space sufficient to accommodate one motor car for each 1,250 square feet of floor area in excess of 7,500 square feet which is actually used for banking purposes or for offices.
3. Restaurants, bars, taverns, and exhibition halls with more than 1,000 square feet of floor area shall provide parking space sufficient to accommodate one motor car for each 200 square feet of floor area in excess of 1,000 square feet which is actually used by patrons or customers for such purposes.
4. Theaters shall provide parking space sufficient to accommodate one motor car for each 12 seats.
5. Mortuaries and funeral homes shall provide parking space sufficient to accommodate three motor cars for each chapel or parlor.
6. Dance halls shall provide parking space sufficient to accommodate one motor car for each 100 square feet of floor area used for dancing.
7. Bowling alleys shall provide parking space sufficient to accommodate 2 motor cars for each alley.
8. All hereinafter erected or enlarged retail stores, food markets, restaurants, bars, taverns mortuaries, laundries and dry cleaning establishments having or to have more than 5,000 square feet of gross floor area shall provide one loading space, at least 10 feet by 25 feet and having a 14 foot clearance, which shall be located off the public street, alley and sidewalk and on the same lot of the building served. One additional loading space shall be provided for each additional 25,000 square feet or fraction thereof of gross floor area, but not more than 4 such spaces shall be required.
9. Private clubs and lodges shall provide parking space sufficient to accommodate one motor car for each one hundred (100) square feet of floor area used for purposes of dancing, assembly or dining.

26.40.050. Height regulations - No building shall exceed 3 stories or 50 feet in height. Churches, schools, public buildings, hospitals, and institutions may be erected to a height not exceeding 85 feet.

6.40.070. Front yard area -

1. When 25 percent of any frontage within the district is improved with buildings and a majority of such improved frontage has a front yard line variation in depth of not more than 6 feet, no building hereafter constructed shall project beyond the average front yard line so established, except that in no event shall this front yard be greater than 50 feet.

2. Where any frontage is partially in a dwelling district and partially in a commercial district, the front yard regulations of the dwelling district shall apply for that frontage.

3. No front yard shall be required for existing commercial structures located at the intersection of two streets or existing commercial structures which are contiguous with existing commercial structures located at the intersection of two streets for any commercial structures to be erected, enlarged, structurally altered or moved on land formerly occupied by a commercial structure with no front yard located at the intersection of two streets.

4. Residential structures and mixed residential and commercial structures that are not at or contiguous with commercial structures at the intersection of two streets shall have a front yard as set forth in the front yard requirements of the least restrictive adjacent dwelling district.

5. In all other cases no front yard shall be required.

26.40.080. Side yard -

1. All residential structures shall meet the side yard requirements (including without limitation requirements as to maintenance easements) of the least restrictive adjacent dwelling except when the structure includes commercial uses.

2. All non-residential structures, mixed commercial and residential structures, and related accessory structures that do not adjoin a dwelling district, require no side yard, but a maintenance easement must be granted the owner of the property abutting each side of a lot having a side yard of less than 4 feet prior to zoning approval; if such structures do adjoin a dwelling district, there shall

be a side yard adjoining having a width of no less than 4 feet, unless a maintenance easement is granted by the owner of the property abutting the lot prior to zoning approval.

26.40.090. Rear yard -

1. All residential structures shall meet the rear yard requirements of the least restrictive adjacent dwelling district except those which include commercial uses.

2. All non-residential structures, mixed commercial and residential structures, and related accessory structures require no rear yard setback except that an appropriate space shall be provided to accommodate trash receptacles and loading areas.

26.40.100. Density of population -

1. All residential structures hereafter constructed shall meet the density requirements of the least restrictive adjacent dwelling district except where 40 percent or more of the structures having the same frontage is occupied by multiple family dwellings. In the latter such cases, dwellings shall conform to area regulations of the "D" Multiple-Family Dwelling District.

2. All non-residential structures, mixed commercial and residential structures shall have a floor area ratio of not more than 1.5.

SECTION SIX. This ordinance, being deemed necessary for the immediate preservation of the public peace and safety, is hereby declared to be an emergency measure and shall become effective immediately upon its passage and approval by the Mayor.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
02/14/92	02/14/92	HUDZ	03/11/92	
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
03/13/92		03/27/9	03/27/92	03/31/92
ORDINANCE	VETOED		VETO OVR	

62588		
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