

TITLE IV. LAND USE

CHAPTER 400: ZONING REGULATIONS

ARTICLE I. GENERAL

SECTION 400.010: TITLE

This Chapter shall be known and may be cited as "*The Zoning Code of the Town of Grantwood Village, Missouri*" and is cited herein as the "*Zoning Code*". (Vil. Ord. No. 557-02, 9-17-02)

SECTION 400.020: PURPOSE

The Zoning Code is adopted to promote the health, safety, morals, comfort and general welfare; to secure economic and coordinated land use; and to facilitate the adequate provision of public improvements. (Vil. Ord. No. 557-02, 9-17-02)

SECTION 400.030: DEFINITIONS AND RULES OF CONSTRUCTION

A. *Definitions.* The following terms shall have the stated definitions as used in this Zoning Code:

ACCESSORY BUILDING: A subordinate structure or portion of the main building the use of which is incidental to that of the main building.

ACCESSORY USE: A use incidental and subordinate to the principal use of another structure on the same premises.

AUTOMOBILE SALES: The sale of new or used vehicles, motor homes, trailers, recreational vehicles, motorcycles and farm implements. This definition does not include the sale of automotive parts, yard care equipment and bicycles.

BASEMENT: A story partly underground and having at least one-half (1/2) of its height below the mean level of the adjoining ground. A basement shall not be counted as a story for the purpose of height measurement unless occupied as an improvement or finished portion of the structure.

BUILDING: A structure having a roof supported by columns or walls.

BUILDING LINE: The line which is a specified distance away from the property boundary beyond which no building may be built, constructed or erected.

BUILDING PERMIT: A permit issued by the Building and Street Commissioner pursuant to this Zoning Code and other ordinances of the Village allowing a property owner to construct, erect, build, remodel or otherwise improve a structure, make an excavation or build an earth berm upon property within the Village.

BUSINESS SIGN: A sign which gives only basic information concerning the existence of a commercial enterprise, service or other activity conducted, sold or offered on the premises upon which the sign is erected.

COMMERCIAL VEHICLE: Any motorized vehicle used primarily or exclusively for commercial purposes, including taxis, but excluding all other passenger cars, mini-vans, sport utility vehicles and four (4) wheeled pick-up trucks licensed at six thousand (6,000) pounds or less.

CORNER LOT: A lot abutting upon two (2) or more streets at their intersection.

DWELLING: A place to live in; residence; house; abode.

DWELLING, SINGLE-FAMILY: A detached building designed for and occupied exclusively by one (1) family.

EARTH BERM: A mound of earth of consistent height with sloped sides running for a distance usually along or near a property's boundary to form a barrier.

FAMILY: One (1) or more persons related by blood, marriage or adoption, occupying a dwelling unit as an individual housekeeping organization.

FENCE: Materials forming a barrier between portions of a lot or between lots, or between a lot and a street.

FRONTAGE: All the property abutting on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the street line, or if the street be a dead-end street, then all the property abutting on one (1) side of a street between an intersecting street and the dead-end of the street.

FRONT YARD: A yard extending across the frontage of the lot between the inner side yard lines and measured between the front line of the lot and front line of the building, or the nearest line of any porch or paved terrace.

GARAGE: A one (1) story structure attached to the principal structure and used or designed for the storage of motor vehicles and related equipment.

HISTORIC STRUCTURE: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior or its successor entity) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered Historic District or a District preliminarily determined by the Secretary to qualify as a registered Historic District.

HOME BUSINESS: The term "Home Business" shall mean:

1. A use incidental to the residential use of the dwelling.

2. A use that is conducted within a portion of the main building, not within any required parking facility and does not exceed twenty percent (20%) of the building's square footage. No outside storage of material or supplies used in the Home Business shall be permitted.
3. There shall be no evidence outside of the dwelling structures of any article being sold or offered for sale on the premise. (i.e. Other than as may be allowed by other provisions of these ordinances permitting the limited posting of signs related to the conduct of a garage sale, there shall be no signs or other postings on the property indicating articles offered for sale or services provided at the property from which the Home Business is located.)
4. No person other than the lawful resident of the dwelling shall be employed on-site or report to work at the site in the ordinary conduct of the Home Business. This prohibition also applies to independent contractors whose services are related to operation of the Home Business.
5. The use as a Home Business will not generate vehicular or pedestrian traffic in excess of that which is normally associated with the residential use in the same district.
6. No parking space shall be obstructed and no additional parking space will be required for the Home Business.
7. There is no exterior indication of the Home Business, including but not limited to signs that a Home Business is operated upon the premises.
8. The use will not create noise, odor, dust, fumes, vibration, smoke, electrical interference, or any interference with residential uses in the same district.
9. No business or commercial vehicle shall be parked or stored in the Village, except within a closed garage.
10. The address of the Home Business will not be advertised in any publication as a location at which parties other than residents of the property may conduct business.

INTERIOR LOT: A lot other than a corner lot.

LOCAL PUBLIC UTILITY FACILITIES: A public utility facility serving a local area only, such as an electric substation or a water or gas pumping or regulating station and telephone switching center.

LOT: A parcel of land occupied or to be occupied by a building and its accessory structures together with such open spaces as are required under this Zoning Code as recorded on a plat that has been recorded in the Office of the Recorder of Deeds of St. Louis County, Missouri.

LOT LINE: The lines bounding a lot as defined herein.

MAIN BUILDING: The building designed and used for the principal permitted use of the lot.

NON-CONFORMING USE: A structure or land occupied by a use that does not conform to the regulations of the use District within which it is situated.

PARKING SPACE: A paved surface, enclosed or unenclosed, not less than ten (10) feet wide and twenty (20) feet long, together with a driveway connecting the parking space with a street, private road or alley, and permitting direct ingress and egress without the necessity of using any other parking space. (Vil. Ord. No. 561, 2/18/03)

PAVED SURFACE: An area, consisting of either concrete or blacktop having a thickness of at least four (4) inches and constructed for the purpose of parking, storing and/or driving of motor vehicles. (Vil. Ord. No. 561, 2/18/03)

PORNOGRAPHIC MATERIAL: That matter which:

1. The average person, applying contemporary community standards would find taken as a whole, to appeal to the prurient interest;
2. Depicts or describes in a patently offensive way, sexual conduct specifically defined by applicable State law; and
3. Taken as a whole, lacks serious literary, artistic, political or scientific value.

PRINCIPAL USE: The primary or predominate use of a lot or premises occupying the major portion of the main building.

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

PRIVATE ROAD: An open unoccupied paved surface, other than a street or alley, permanently reserved as the principal means of access to abutting property. (Vil. Ord. No. 561, 2/18/03)

REAR YARD: A yard extended across the full width of the lot and measured between the rear line of the lot and the rear line of the building. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall be at the opposite end of the lot from the front yard.

RECREATIONAL VEHICLE: A vehicle which is:

1. Built on a single chassis;
2. Has a total roof area of four hundred (400) square feet or less;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

SCREEN: Any plants, flowers, shrubbery, hedges, trees, or other growth, with the purpose of preventing the view of any object from a level line of sight. The height, width and length of the screen shall be such that no views of the structure, area, vehicle or item to be screened is possible. The screen as herein defined may be located adjacent to the structure, area, vehicle, or item to be screened; may be located anywhere within the same lot or premises, or may be located on the perimeter of the lot or

premises, providing that no line of sight from six (6) feet above the ground is possible from off the premises or lot.

SIDE YARD: A yard between the building and the side line of the lot and extended from the street line to the rear yard.

SIGN: A name, word, letter, writing, identification, description, display model, or illustration which is placed upon, affixed to, or represented upon a structure, or any part thereof or in any manner upon a parcel of land or lot, and which publicizes an object, product, place, activity, service, person, candidacy, institution, organization or business. The word "sign" shall also include "banner", "pennants", "insignia", "commercial signs", "bulletin boards", "ground signs", "poster billboard", and "electric signs", wherever placed.

SITE DEVELOPMENT PLAN: A detailed plan for the commercial development or redevelopment of a parcel of land exceeding one (1) acre in size depicting the precise location of all proposed buildings, structure and planting material, the provision of necessary infrastructure, and other information as required in Section 400.180 of this Zoning Code.

STORAGE: The existence of any stock, vehicle, equipment or material enclosed or unenclosed for a period of more than seventy-two (72) hours.

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

STORY, HALF: A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

STREET: A thoroughfare which affords the principal means of access to abutting property, whether public or private.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a structure, such as bearing walls, columns, beams or girders.

STRUCTURE: Any edifice constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground. This term is by intention more encompassing than the term "building" as defined herein and, as such, includes within its reach "buildings".

STRUCTURE, HEIGHT OF: The vertical distance measured from the average elevation of the finished grade adjoining the structure to the deck line of mansard roofs and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

THROUGH LOT: An interior lot having frontage on two (2) parallel or approximately parallel streets.

TOTAL LOT AREA: The entire land area of a parcel of land which has been divided into a lot.

VEHICLE: Any device or contrivance for carrying or conveying persons or objects, including land conveyances, vessel, aircraft and spacecraft; sometimes specifically restricted to land conveyances on wheels, runners, treads, etc.

VEHICLE, NON-COMMERCIAL AUTOMOTIVE: Any passenger automobile or truck not used in the conduct of any business.

VILLAGE: The Town of Grantwood Village, Missouri.

YARD: An open space on the same lot with a building that is unoccupied and unobstructed from the ground upward.

ZONING DISTRICT: An area of the Village designated for a specific use or uses with particular restrictions and regulations as specified in Article III of this Zoning Code and as shown on the Zoning Map.

- B. *Rules Of Construction.* In interpreting and applying the provisions of this Zoning Code, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this Zoning Code to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided however, that where this Zoning Code imposes a greater restriction upon the use of structures or premises or upon height of structures, or requires larger open spaces than are imposed or required by other laws, ordinances, rules, regulations or by easements, covenants, or agreements, the provisions of this Zoning Code shall apply.

All terms shall be given the meaning provided in this Zoning Code. Where a term is not otherwise defined in this Zoning Code, it shall be given its ordinary and customary meaning within the context used.

In the event that a certain provision or provisions of this Zoning Code are held to be invalid by a court of competent jurisdiction, then those portions of this Zoning Code not held to be invalid shall remain in full force and effect. (Vil. Ord. No. 557-02, 9-17-02)

ARTICLE II. GENERAL REGULATIONS IN ALL ZONING DISTRICTS

SECTION 400.040: PROHIBITED USES

- A. The use of any property within any Zoning District for any retail, commercial, or other business purpose is prohibited, except:
 - 1. Such uses specifically permitted within the following Districts:
 - a. “G” Animal Preserve;
 - b. “H” Commercial District;
 - c. “P” Park District;

- d. "T" Trail District, and
 2. The operation in any District of a "HOME BUSINESS," as defined herein.
- B. The following uses are prohibited within any Zoning District:
1. Multiple-family dwellings and condominiums;
 2. Any industrial or manufacturing activities;
 3. Multi-level parking structures;
 4. Nursing homes;
 5. Barber and "beauty" shops;
 6. Nursery and day-care centers;
 7. Hospitals and any medical out-patient facility where a surgical procedure in which the administration of general, regional or local anesthesia is administered;
 8. Motels, hotels, boarding houses, "bed and breakfast" lodgings or any similar lodging facilities;
 9. Mobile home park, trailer court, labor camp or junk yard;
 10. Dumping, disposing, incinerating, storing or processing garbage, trash or waste;
 11. Automotive sales;
 12. Massage parlors;
 13. Commercial pool parlors and game rooms;
 14. Automobile, truck, trailer or vehicle repair;
 15. Sale of package liquor;
 16. Sale of gasoline, fuel oil and other petroleum derivative products;
 17. Sale or display of obscene or pornographic material. (Vil. Ord. No. 557-02, 9-17-02)

SECTION 400.050: GENERAL PROVISIONS

- A. *No Alteration Of Property.* No structure shall be erected, converted, reconstructed, or structurally altered, nor shall any structure or land be used for any purpose other than for those uses permitted in the respective Zoning District.

- B. *No Increase In Density.* No lot area shall be so subdivided or otherwise reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Zoning Code, nor shall the density of population be increased in any manner except in conformity with the area regulations herein established.
- C. *No Alteration Of Building.* No structure shall hereafter be erected or structurally altered unless located on a lot as herein defined, and in no case shall there be more than one (1) main building on one (1) lot, except as hereinafter provided.
- D. *No Excavation Without Permit.* The clearing, grading, excavating, filling, paving, removal of topsoil or any change in the grade of property affecting an area exceeding two thousand five hundred (2,500) square feet, or that involves the moving, depletion or replacement of more than fifty (50) cubic yards of material, or changes the existing elevation by more than two (2) feet requires a grading permit. A grading permit shall be denied if such change on the property is likely to cause unreasonable injury to the condition, safety or use of other property by diversion of storm water, obstruction of sight lines or other cause.
- E. *No Demolition Without Permit.* No structure of 500 square feet or greater shall be demolished or otherwise removed without first obtaining from the Building Commissioner a Demolition Permit and posting a bond in an amount determined by the Building Commissioner to be the estimated cost of the contemplated demolition and cost of grading the lot following demolition. The demolition contemplated by the permit and either (a) grading the lot or (b) commencing construction of a new structure shall be completed within not more than six (6) months of the date of the Demolition Permit. Should such work not be completed within such time, Building Commissioner shall direct the demolition and grading to be completed and the bond applied to such expenses. When the demolition and grading has been completed, Building Commissioner shall release the bond to the extent that bond was not used to pay such expenses as provided for in this paragraph. The fee for this Demolition Permit shall be fifty dollars (\$50.00). (Vil. Ord. No. 562-03, 5-20-03)
- F. *Limited Types Of Fuel.* No fuel other than oil, gas, wood or electricity shall be used to heat any structure. (Vil. Ord. No. 562-03, 5-20-03)
- G. *Use Of Public Sewers.* Every structure shall drain sewage and water run-off into a sewer system which is part of the Metropolitan St. Louis Sewer District, or its successor entity, by means of an enclosed and concealed connection, pipe or other conduit. (Vil. Ord. No. 562-03, 5-20-03)
- H. *Exterior Antenna Regulations.* Any exterior mounted antenna used to receive or transmit television, radio or other electronic signals shall be subject to the following requirements:
1. Dish or other types of antennas may be erected in the Village only on the back or side of the roof of a residence, and not on any portion of the roof that faces the front and/or street side of the residence.
 2. An antenna shall not extend beyond the perimeter of the roof or in height more than sixteen (16) feet when measured from ground level of the residence, and a dish antenna shall not have a linear diameter in excess of twenty-four (24) inches.
 3. If the above restrictions regarding the erection and/or maintenance of external mounted antennas impose an unreasonable limitation or restriction upon the ability of a property owner to receive

satellite delivered signals the property owner may present evidence of such unreasonable limitation to the Board of Adjustment. The Board of Adjustment shall have the authority to issue a permit to erect and/or maintain a receive-only satellite antenna in such fashion to mitigate any unreasonable limitation related to the property owner's unique situation. However, a dish antenna permitted hereunder which exceeds twenty-four (24) inches in diameter shall only be located on the owner's lot on the ground in the buildable area that extends from the rear wall of the residence, that is the rear back yard of the lot. (Vil. Ord. No. 562-03, 5-20-03)

- I. *Limitations Upon External Lighting.* Night lighting, either within or connected to the main building or an accessory structure or structure, or any separate outdoor lighting fixture shall not direct light onto other residential properties and shall not create more than one-half (½) footcandle of illumination at any property boundary within or abutting a residential Zoning District. (Vil. Ord. No. 562-03, 5-20-03)
- J. *Limitation on Exterior Storage of Household Goods.* No crate or storage device such as a "Pod" or if known by any other generic name, intended to be used to store household goods, shall be stored on a residential property for more than fourteen (14) calendar days while being loaded for later off-site storage. Such storage devices must be removed from the residential premises as soon as filled or no later than fourteen (14) calendar days after being delivered.

The Building and Streets Commissioner must issue a permit before delivery of such storage device. There will be no fee associated with this permit. (Vil. Ord. No. 613-07, 8-21-07)

- K. *Restoration Of Damaged Structures.* Nothing in this Zoning Code shall be taken to prevent the restoration of a non-conforming building destroyed to the extent of not more than fifty percent (50%) of its fair market value by fire, explosion or other casualty or act of God, or the public enemy. The continued occupancy or use of such building, or part thereof which existed at the time of such partial destruction, shall likewise not be prohibited. The "fair market value" by which such diminution in value caused by the damage is measured shall be the fair market value of the building immediately prior to the event causing such damage. (Vil. Ord. No. 562-03, 5-20-03)
- L. *Public Land And Buildings.* The Board of Trustees may authorize the location, erection, reconstruction or structural alteration of any structure on land rented, leased or owned and operated by the Village for public purposes in any Zoning District. (Vil. Ord. No. 562-03, 5-20-03)
- M. *Exceptions To Height And Yard Regulations.* The requirements in all Zoning Districts regarding height and yard regulations shall be subject to the following exceptions and regulations:
1. Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features, and eaves; provided, however, that none of the above projections shall extend into a minimum side yard more than twenty-four (24) inches.
 2. Open or enclosed fire-proof outside stairways and balconies projecting into a yard not more than three and one-half (3½) feet, and the ordinary projections of chimneys and flues are permitted if located such that they are not visible from any point on the front lot line.
 3. An addition to an existing main building shall not exceed the elevation of the existing main building; and the alteration of any structure or the restoration of a damaged structure, unless

otherwise provided in this Code, shall not exceed the elevation of the existing structure to be altered or restored. The addition to, alteration of, or the restoration of any structure on a lot shall maintain the architectural integrity of the existing structure(s) located on said lot. (Vil. Ord. No. 562-03, 5-20-03)

N. *Exceptions To Lot Area.*

1. Where a lot of record has less area than herein required in the District in which it is located, and was of record on the date of adoption of this Code, May 12, 1998, or was of record when the area was subsequently annexed to the Town Of Grantwood Village, and the owner of such lot does not own any other parcel or tract adjacent thereto, said lot may nevertheless be used for a single family dwelling or for any non-dwelling use permitted in the District in which it is located.
2. Existing structures that are in violation of lot area requirements but are lawful non-conforming buildings may be remodeled or repaired, and may be enlarged or structurally altered but only if such enlargement or alteration does not expand the violation of the yard requirements. (Vil. Ord. No. 562-03, 5-20-03)

O. *Parking - No Overnight Parking.* No vehicle shall be parked on any public street between the hours of 3:00 A.M. and 5:00 A.M. (Vil. Ord. No. 562-03, 5-20-03)

P. *Plant Maintenance.* All plant material shall be maintained by mowing, trimming and removal of trash and debris on a regular basis. Dead plant material shall be removed and replaced as needed. (Vil. Ord. No. 562-03, 5-20-03)

Q. *Flood Plain.* No buildings shall be erected within any site identified as a Special Flood Hazard Area on the community's Flood Insurance Rate Map as such is prepared and revised by the Federal Emergency Management Agency ("FEMA") or its successor entity. (Reference: Chapter 405) (Vil. Ord. No. 562-03, 5-20-03)

R. *Signs.*

1. The term "signs" is inclusive of banners, or any other form of physical advertising. Any permitted sign must be erected so it does not obstruct any view by traffic on any roadway. The erection or other placement of a sign(s) on any lot, or on or attached to any structure(s) located within any of the Zoning Districts established and know herein as "A", "B", "C", "D" and "E" Residence Districts, respectively, except as otherwise provided herein, is prohibited.
2. The following signs are permitted to be placed on any lot located within any Zoning District.
 - a. *Political Signs:* No permit is required. The maximum size of any one sign is 8 sq. ft. Signs must be related to candidates and/or issues on the ballot to be voted on by Grantwood Village residents. One sign per candidate and/or one sign per each proposition on the ballot. Signs for out of district candidates and/or out of district propositions are not permitted. Signs shall only be erected on private property. Signs may not be placed on any island or other publicly owned property. Signs must be free standing (must not be attached to any structure, tree or fence). Signs must not be erected more than 30 days prior to the related election date. Signs must be removed within 2 days after the related election.

- b. For Sale Signs: No permit is required. The maximum size of any one sign is 8 sq. ft. The sum total of all signs is limited to 16 sq. ft. Real estate signs advertising the sale, may be erected only on the property being offered. No more than one sign facing each roadway on which the offered property has frontage. Signs must be removed within 2 days following the property “closing” date. Signs announcing open house and/or direction signs shall not be erected before day of such occurrence and shall be removed at the close of the day of open house.
 - c. Garage/Yard Sale Signs: A permit for the sale itself is required, but a separate sign permit is not required. The sum total of all signs is limited to 8 sq. ft. Signs must not be erected before the day of the sale, and must be removed by the end of the sale day.
 - d. Any Other Type of Sign: Permit is required—permit must be acquired at the Grantwood Village hall for any sign other than “For Sale” or “Political” listed above. The Village Board of Trustees shall have conclusive discretion with respect to the approval of allowing or disallowing the proposed sign.
3. The Village Board of Trustees shall, except as otherwise provided in this Code, have conclusive discretion with respect to the character, size, erection and placement of signs within the Village. (Vil. Ord. No. 557-02, 9-17-02) (Vil. Ord. No. 562-03, 5-20-03) (Vil. Ord. No. 581-04, 12-21-04)

SECTION 400.060: ZONING PERFORMANCE STANDARDS

These standards shall apply to all Zoning Districts:

- 1. *Noise.* Usage of any electronic device at a volume that would annoy a person of ordinary sensibilities shall be a violation of this chapter. Use of external loudspeakers is prohibited after 6:00 p.m. unless approved by the Board of Trustees. No vehicle shall be allowed to broadcast advertising, music or any message while driving on or parked on any street in Grantwood Village. Except in the cases of automobile stereos or where a resident requests and is issued a valid permit for a legitimate purpose from the Town of Grantwood Village. But in every case, a valid use shall be so as to avoid excessive noise which would annoy a person of ordinary sensibilities.
- 2. *Vibration.* Every use shall be made such that the maximum ground vibration generated is not perceptible without instruments at any point on the lot line of the lot on which the use is located.
- 3. *Odors.* No offensive or objectionable odor shall be emitted beyond the lot line of the lot which is the source of such odor.
- 4. *Emission of smoke, toxic gases, radiation, dirt, dust, fly ash, friable asbestos and other forms of particulate matter.* The emission of smoke, toxic, noxious or corrosive fumes or gases, radiation, dirt, dust, fly ash, friable asbestos and other forms of particulate matter shall not exceed the emission levels in the requirements of the Missouri Air Conservation Law Section 643.010 et. seq., RSMo., and all administrative regulations issued thereunder.
- 5. *Glare and heat.* Any operation producing intense glare or heat shall be performed in an enclosure in such a manner as to be imperceptible along any lot line without instruments. (Vil. Ord. No. 582-05, 2-15-05)

SECTION 400.070: EARTH BERM REGULATIONS

- A. *Height Of Earth Berms.* The height of the berm shall not exceed four (4) feet in any required yard, and the slope of the berm shall not exceed one (1) foot of vertical rise per three (3) feet of horizontal distance (a maximum slope of 3:1).
- B. *Construction Of Earth Berms—Water Run-Off.* Construction of the berm shall comply with applicable portions of the Zoning Code dealing with storm water run-off and, if located in a floodplain, any applicable Federal Emergency Management Agency ("FEMA") regulations and U.S. Corps of Engineers regulations related to development within a floodplain or wetland area.
- C. *Landscaping Of Earth Berms.* The berm shall be covered with grass, ground covering and/or landscaping; its landscaping shall be maintained by the property owner.
- D. *Earth Berms Shall Not Interfere With Traffic Sight Lines.* The construction, maintenance and landscaping of a berm shall not unreasonably interfere with traffic sight lines on an adjacent street or private road. (Vil. Ord. No. 557-02, 9-17-02)

ARTICLE III. ZONING DISTRICTS—GENERALLY

SECTION 400.080: DISTRICTS ESTABLISHED

In order to regulate and restrict the location of residences and the location of structures erected or altered for residences, and to regulate and limit the height of structures hereafter erected or altered, to regulate and determine the area of yards and other open space, and to regulate and limit the density of population, the Village is hereby divided into Zoning Districts which shall be known as:

"A"	Residence District
"B"	Residence District
"C"	Residence District
"D"	Residence District
"E"	Residence District
"FP"	Flood Plain District
"G"	Animal Preserve
"H"	Commercial District
"P"	Park District
"T"	Trail District (Vil. Ord. No. 557-02, 9-17-02)

SECTION 400.090: BOUNDARIES OF DISTRICT

The boundaries of the Zoning Districts are shown upon District Map, "TOWN OF GRANTWOOD VILLAGE", Missouri in Section 400.115 of this Chapter 400 and made a part hereof, which map is designated as the "ZONING DISTRICT MAP" dated March 8, 1999. The District Map and all notations, references and other information shown thereon are a part of this Zoning Code and have the same force and effect as if the District Map and all the notations, references and other information shown thereon were all fully set forth or described herein, the original of which Zoning District Map is properly attested and is on file in the Village Hall of the Town of Grantwood Village, Missouri. (Vil. Ord. No. 557-02, 9-17-02)

SECTION 400.100: DESIGNATION OF PROPERTY UNDER VACATED PUBLIC WAY

Whenever any street, alley or other public way is vacated by official action of the Village Board of the Town of Grantwood Village, Missouri, the Zoning District adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended Districts. (Vil. Ord. No. 557-02, 9-17-02)

SECTION 400.110: ZONING DISTRICT MAP

In accordance with the provisions of Section 400-090, the boundaries of the Zoning Districts are shown on the District Map “Town of Grantwood Village” Missouri, dated March 8, 1999, which is designated as the Zoning District Map and acknowledged as an appendage to Chapter 400, Article III. (Vil. Ord. No. 557-02, 9-17-02)

ARTICLE IV. SPECIFIC ZONING DISTRICT REGULATIONS

SECTION 400.120: RESIDENTIAL DISTRICTS—IN GENERAL

A. Permitted Uses.

1. In any Residence District no structure or land shall be used and no structure shall be hereafter erected, converted, or structurally altered (unless otherwise specifically provided in this Zoning Code) except for one (1) or more of the following uses:
 - a. Single family dwellings.
 - b. Parks, playgrounds, municipal offices or community centers owned and operated by the Village.
 - c. Schools.
 - d. Churches, synagogues, mosques and other houses of worship.
2. Buildings in a Residence District shall be used for single-family residence and accessory purposes only and no structure shall be used directly or indirectly for business of any character other than a “Home Business,” as defined and provided herein.
3. Reservation: All architectural drawings and/or building plans for the construction remodeling or improvement to any residential property in the Village, which accurately reflect the intended appearance of the completed structure, shall be submitted to the Building Commissioner for examination and approval as to conformity in architectural appearance with neighboring homes.
4. Purpose: To afford mutual protection to the property owners living in the Village against injury, whether taking the form of diminished property values or otherwise, that would result from the construction of a residence or other improvement that is unsightly, in singularly bad taste, discordantly at variance with neighboring homes in architectural appearance, or otherwise offensive to the proposed or developed standards of the Village. (Vil. Ord. No. 580-04, 9/28/04)

B. Driveway Access. Parcels of paved surface land shall be permitted one (1) driveway opening per street frontage, but additional driveway openings may be approved through a Site Development Plan provided there is a minimum of one hundred (100) feet of frontage for each additional driveway opening along each street. Driveway openings shall not exceed thirty (30) feet in width unless a wider opening is specifically approved in a Site Development Plan. (Vil. Ord. No. 561, 2/18/03)

SECTION 400.130: "A" RESIDENCE DISTRICT

A. Height And Yard Regulations. In Residence District "A" the height of structures and the minimum dimensions of yards shall be as follows:

1. *Height.* No structure hereafter erected or structurally altered shall exceed two and one-half (2½) stories or forty (40) feet in height.

2. *Rear yard.* Every building that is hereafter erected or structurally altered shall provide a rear yard of not less than thirty-five (35) feet deep.
3. *Side yard.* For every building hereafter erected or structurally altered there shall be a side yard on each side of the building of not less than twenty (20) feet wide.
4. *Garage.* A garage shall not exceed the capacity necessary to store four (4) automobiles; provided however, a garage may exceed a four (4) vehicle capacity if the lot whereon such garage is located contains not less than five thousand (5,000) square feet for each vehicle stored.

B. *Building Lines And Lot Areas.*

1. A building line or lines for each lot in the "A" Residence District shall be as delineated on the plat of Grantwood Terrace filed for record in Plat Book 27, page 29 of the records of the Recorder of Deeds in St. Louis County, Missouri, and no structure shall be erected in said "A" Residence District, any part of which is closer to any street than said building line or lines. In the case of lots No. 8 to 13 inclusive, and lots No. 34 to 53 inclusive, all as designated on said plat, no structure shall be erected on said lots or any of them, any part of which is closer to any street than thirty (30) feet back of said building line or lines. There shall be a minimum width requirement of one hundred (100) feet at the building line of each said lot.

- C. *Construction Regulations.* Every structure in the "A" Residence District shall have its exterior walls constructed of brick, stone or stucco, except a gable end(s) may consist of vinyl, metal or wood siding. Every structure shall have a pitched roof covered by slate, tile or asphalt shingles. (Vil. Ord. No. 557-02, 9-17-02)

SECTION 400.140: "B" RESIDENCE DISTRICT

- A. *Height And Yard Regulations.* In Residence District "B" the height of structures and the minimum dimensions of yards shall be as follows:

1. *Height.* No structure hereafter erected or structurally altered shall exceed two and one-half (2½) stories or forty (40) feet in height.
2. *Rear yard.* Every building that is hereafter erected or structurally altered shall provide a rear yard of not less than thirty-five (35) feet deep.
3. *Side yard.* For every building hereafter erected or structurally altered there shall be a side yard on each side of the building of not less than twenty (20) feet wide.
4. *Garage.* A garage shall not exceed the capacity necessary to store four (4) automobiles; provided however, a garage may exceed a four (4) vehicle capacity if the lot whereon such garage is located contains not less than five thousand (5,000) square feet for each vehicle stored.

B. *Building Lines And Lot Areas.*

1. A building line or lines for Lots 1 to 5 inclusive, as designated on the plat titled "Resubdivision of Lots 24 to 33, inclusive of Grantwood Terrace", said plat being filed for record in Plat Book 26,

page 67 of the records of the Recorder of Deeds in St. Louis County, Missouri, shall be as delineated on said plat, and for the territory on said plat not designated by lot number or letter, there is hereby established a building line of sixty (60) feet from the middle line of Grantwood Lane, seventy-five (75) feet from the lot lines bordering on Gravois Road (Missouri State Highway 30), and forty (40) feet from the middle line of Grantwood Terrace Lane; and no structure shall be erected any part of which is closer to said lanes or said road, or any of them, than said line or lines. There shall be a minimum width requirement of one hundred (100) feet at the building line of each said lot.

- C. *Construction Regulations.* Every structure in the "B" Residence District shall have its exterior walls constructed of brick, stone or stucco, except a gable end(s) may consist of vinyl, metal or wood siding.

Every structure shall have a pitched roof covered by slate, tile or asphalt shingles. (Vil. Ord. No. 557-02, 9-17-02)

SECTION 400.150: "C" RESIDENCE DISTRICT

- A. *Height And Yard Regulations.* In Residence District "C" the height of structures and the minimum dimensions of yards shall be as follows:

1. *Height.* No structure hereafter erected or structurally altered shall exceed two and one-half (2½) stories or forty (40) feet in height.
2. *Rear yard.* Every building that is hereafter erected or structurally altered shall provide a rear yard of not less than thirty-five (35) feet deep.
3. *Side yard.* For every building hereafter erected or structurally altered there shall be a side yard on each side of the building of not less than twenty (20) feet wide.
4. *Garage.* A garage shall not exceed the capacity necessary to store four (4) automobiles; provided however, a garage may exceed a four (4) vehicle capacity if the lot whereon such garage is located contains not less than five thousand (5,000) square feet for each vehicle stored.

- B. *Building Lines And Lot Areas.*

1. *Minimum lot area.* The lot area of any "C" Residence lot shall not be less than twenty-five thousand (25,000) square feet.
2. *Fronting on Gravois.* The building line on lots fronting on Gravois Road is fifty (50) feet and all said lots shall be at least one hundred (100) feet in width at the building line.
3. *Fronting on Laclede Station Road.* The building line on lots fronting on Laclede Station Road is seventy-five (75) feet, and all said lots shall be at least one hundred (100) feet in width at the building line.
4. *Interior lots.* The building line on all interior lots is seventy-five (75) feet and all said lots shall be at least one hundred (100) feet in width at the building line.

- C. *Construction Regulations.* Every structure in the "C" Residence District shall have its exterior walls constructed of brick, stone or stucco, except a gable end(s) may consist of vinyl, metal or wood siding. Every structure shall have a pitched roof covered by slate, tile or asphalt shingles. (Vil. Ord. No. 557-02, 9-17-02)

SECTION 400.160: "D" RESIDENCE DISTRICT

- A. *Height And Yard Regulations.* In "D" Residence District the height of structures and the minimum dimensions of yards shall be as follows:

1. *Height.* No structure hereafter erected or structurally altered shall exceed two and one-half (2½) stories or forty (40) feet in height.
2. *Rear yard.* Every building that is hereafter erected or structurally altered shall provide a rear yard of not less than thirty-five (35) feet deep.
3. *Side yard.* For every building hereafter erected or structurally altered there shall be a side yard on each side of said building as follows: For two-story buildings not less than twenty (20) feet; one and one-half (1½) story buildings not less than fifteen (15) feet wide; and one (1) story buildings not less than ten (10) feet wide.
4. *Garage.* A garage shall not exceed the capacity necessary to store four (4) automobiles; provided however, a garage may exceed a four (4) vehicle capacity if the lot whereon such garage is located contains not less than five thousand (5,000) square feet for each vehicle stored.

- B. *Building Lines And Lot Areas.*

1. The building line or lines for each lot in the "D" Residence District shall be as delineated on the plat of Forest Haven subdivision filed for record in Plat Book 37, pages 38 and 39 of records of the Recorder of Deeds in St. Louis County, Missouri, and no building shall be erected in said "D" Residence District any part of which is closer to any street than said building line.

- C. *Construction Regulations.* Every structure in the "D" Residence District shall have its exterior walls constructed of brick, stone or stucco, except a gable end(s) may consist of vinyl, metal or wood siding. Every structure shall have a pitched roof covered by slate, tile or asphalt shingles. (Vil. Ord. No. 557-02, 9-17-02)

SECTION 400.170: "E" RESIDENCE DISTRICT

- A. *Height And Yard Regulations.* In "E" Residence District the height of structures and the minimum dimensions of yards shall be as follows:

1. *Height.* No structure hereafter erected or structurally altered shall exceed two and one-half (2½) stories or forty (40) feet in height.
2. *Rear yard and side yard.* Every building that is erected or structurally altered in the "E" Residence District shall provide a rear yard of not less than thirty-five (35) feet deep and a minimum side yard of fifteen (15) feet wide on each side of the building.

3. *Garage.* A garage shall not exceed the capacity necessary to store four (4) automobiles; provided however, a garage may exceed a four (4) vehicle capacity if the lot whereon such garage is located contains not less than five thousand (5,000) square feet for each vehicle stored.

- B. *Building Lines And Lot Areas.* Every lot within the "E" Residence District shall have a total lot area of at least fifteen thousand (15,000) square feet and shall have a minimum width of one hundred (100) feet at the building line and shall have a depth of at least one hundred fifty (150) feet. There shall be a building line forty (40) feet from the edge of the street right-of-way on all streets except Gravois Road and the building line of Gravois Road shall be at least fifty (50) feet from the edge of the present right-of-way of Gravois Road. "Edge" shall be interpreted as the interior edge closest to the respective lot.

- C. *Construction Regulations.* Every structure in the "E" Residence District shall have its exterior walls constructed of brick, stone or stucco, except a gable end(s) may consist of vinyl, metal or wood siding. Every structure shall have a pitched roof covered by slate, tile or asphalt shingles. (Vil. Ord. No. 557-02, 9-17-02)

SECTION 400.180: "H" COMMERCIAL DISTRICT

A. *Permitted Uses:*

The use of property and structures in the "H" Commercial District shall be limited to taverns, restaurants, private clubs, schools, public buildings, retail commercial stores (which does not include motor vehicle filling stations involving the sale of gasoline or other vehicle fuel dispensed into vehicles) and professional offices. (There shall be no drive-through facilities in conjunction with any such use.) There shall be no living quarters in any such establishment nor shall any residential use be made in this District. The hours of operation of any such use shall be limited to the hours between 7:00 a.m. and 1:00 a.m. No use shall be operated between 1:00 a.m. and 7:00 a.m. No commercial delivery or trash vehicles shall operate or make deliveries or pickups except during the hours of operation.

B. *Building Area and Height Requirements*

1. **Building Line and Lot Areas.** The building line for the "H" Commercial District is located one hundred (100) feet interior of the edge of the Gravois Road right-of-way abutting the property and seventy-five (75) feet interior of the edge of the Laclede Station Road right-of-way abutting the property. All other building lines shall be as provided in Section 3(d) below. No structure, other than a sign which is in conformity with the sign regulations set forth below, shall be erected in any area located outside of that area bounded by the building lines described herein.

2. **Height limitation.** No structure more than two and one-half (2½) stories in height shall be permitted in "H" Commercial District. A single story shall not exceed twelve (12) feet in height. Any structure permitted in this District which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.

3. **Minimum Lot Area.** The minimum lot area required for any given use shall be as follows:
 - a. Fire stations shall be situated on tracts of land of at least one-half (½) acre.

- b. Schools shall be situated on tracts of land providing areas not less than as set out in the following table:

School Area Requirements

<i>Type of School</i>	<i>Minimum Acreage</i>
Kindergarten (separate)	3 Acres
Primary	5 Acres
Junior High	10 Acres
Senior High	20 Acres
Collegiate	10 Acres

- c. All other land uses permitted in this District, except local public utility facilities located on easements, shall be situated or conducted on tracts of land three (3) acres in area.

C. Sign Regulations

No signs or billboards shall be permitted within this District except for those signs related to an existing use of the property and which conform with the following restrictions.

1. Signs shall be limited in number to one (1) wall sign attached to, not painted on, the structure for each separate roadway frontage of any land use and shall not have a larger outline area than twenty (20) square feet per facing and one (1) free-standing sign not to exceed one hundred (100) square feet in outline area per facility nor extend more than twenty-five (25) feet above the elevation of the adjacent street.
2. Information signs shall not exceed sixteen (16) square feet of outline area per facing.
3. Directional signs shall not exceed ten (10) square feet in outline area per facing.

D. Off-street Parking and Loading Requirements.

1. **General Parking Requirements:** All required parking facilities shall conform with the following standards:
 - a. No vehicles other than those used in the ordinary course of operation of the permitted use (which in no event shall exceed three (3) vehicles) shall be parked on the property between the hours of 1:00 a.m. and 6:00 a.m.
 - b. The minimum size of a parking space shall be ten (10) feet by twenty (20) feet, plus the necessary space for means of ingress and egress.
 - c. Such facilities shall have paved surfaces. (Vil. Ord. No. 561, 2/18/03)
 - d. Adequate provision shall be made for the disposal of storm or surface water.
 - e. The owner of the property and the operator of any business thereon shall create a ten (10) foot wide landscaped buffer of trees and/or shrubs and erect a six (6) foot privacy fence so as to

substantially screen all off-street parking areas on such property from the view of abutting property in a Residential District, which planting shall conform to the following requirements:

- 1) Not less than one-half ($\frac{1}{2}$) of the plant material shall be living evergreen shrubs or trees, preferably a variety of pines, and their height at time of planting shall be not less than six (6) feet. The remainder of the planting may consist of deciduous trees and their minimum diameter at time of planting shall not be less than two (2) inches, measured one (1) foot from the ground.
 - 2) The spacing of the trees and shrubs and the treatment of planting shall be sufficient to shield the sight and noise of all buildings and facilities from abutting properties.
 - 3) The planting shall be maintained and all dead material removed and replaced as needed. No planting shall be permitted or maintained so that it would be a safety hazard at any entrance to or exit from a parking area.
 - 4) All planted areas shall be kept free of trash and debris.
- f. If approved by two-thirds ($\frac{2}{3}$) of the property owners of abutting residential properties, a decorative six (6) foot wall of brick, stone or wood may be substituted for the screen planting in side and rear yards, but not along any public or private street.
- g. The location of each parking space and the location and direction of movement along the driveways providing access thereto shall be indicated by painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surfacing.
- h. Wherever parking areas are to be used during darkness, a system of flood lighting shall be installed to provide an adequate standard of one (1) footcandle of illumination over the entire parking area. All flood lights shall be shielded and directed away from other property so as not to direct more than one-half ($\frac{1}{2}$) footcandle of illumination onto any abutting property within a Residential District. Lighting fixtures shall not exceed sixteen (16) feet in height unless specifically permitted by an approved Site Development Plan or by a Special Use Permit issued by the Village Board.
- i. A temporary shelter for the use of parking area attendant may be maintained on the lot provided the location, construction and design of same shall be first approved by the Building Commissioner.
- j. The parking area shall be maintained in a manner to keep it as free as practicable from dust, paper, and other loose particles, and snow and ice shall be promptly removed by the operator. All adjacent sidewalks shall be kept free from dirt, ice, sleet and snow and in a safe condition for use by pedestrians. All signs, markers, or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Likewise, any walls, trees and shrubbery, as well as surfacing of the parking area shall be maintained in good condition throughout its use for parking purposes. The Building Commissioner shall have the authority to prohibit the use of the area for parking purposes unless and until proper maintenance, repair or rehabilitation is completed.

2. **Minimum Required Parking:** The following parking shall be provided for the respective use as the minimum required number of parking spaces.
 - a. *Private Club:* One parking space for each 400 square feet of floor area of the main building.
 - b. *Church or temple:* One parking space for each three seats in the main auditorium or one space for each 500 square feet of floor area, whichever is greater. If a church or temple has two auditoriums (such as a sanctuary and a chapel) which commonly are used simultaneously, the parking requirement shall be the provision of one parking space for each three seats in both auditoriums.
 - c. *Schools:* For high schools, colleges and universities, 10 spaces per classroom; for elementary schools, two parking spaces per classroom.
 - d. *Community Center, library, museum, or similar public or semi-private building:* One parking space for each 300 square feet of floor area in the building.
 - e. *Restaurants, tavern, cocktail lounges* or any other establishment serving prepared food for consumption on or off the premises or selling liquor by the drink, parking shall be the greater of the following:
 - 1) One parking space for each 100 square feet of floor area inside the building;
 - 2) One parking space for each 100 square feet of floor area inside the building plus one parking space for each 100 square feet of (1) any floor area of the building open to the outdoors, whether covered or uncovered, and (2) any outdoor seating area located outside of the building anywhere on the premises.
 - 3) One parking space for each 100 square feet of floor area inside the building plus one parking space for every four seats in: (1) any floor area of the building open to the outdoors, whether covered or uncovered, and (2) any outdoor seating area located outside of the building anywhere on the premises.
 - f. *Bank, trusts company, savings and loan company or other financial services:* One parking space per 150 square feet of floor area.
 - g. *Retail store or shop and any other non-residential building, except those above-specified:* One parking space per each 200 square feet of floor area.
 - h. *Office building:* One parking space per each 200 square feet of floor area in the building.
 - i. *Health Care:* A building occupied by members of the healing professions, one parking space per each 150 square feet of gross area used for this purpose.
3. **Rules For Computing Parking Spaces:** In computing the number of required off-street parking spaces, the following rules shall apply:
 - a. Floor are shall mean the gross floor area of the entire building of the specific use, excluding any floor or portion thereof used for parking, as defined in this ordinance.

- b. Where fractional spaces result, the parking spaces shall be the next greater whole number.
- c. In the case of mixed uses, the parking space required shall be computed separately for each use. Where a given area is used for more than one different use, the parking space requirement shall be calculated assuming the use with the greater number of required spaces.
- d. Whenever a building or use constructed or established after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective of this ordinance is reconstructed or is enlarged to the extent of 20 percent or more of floor area, said building or use in its entirety shall then and thereafter comply with the parking requirements set forth herein. Any enlargement or change in use of less than 20 percent of the gross floor area shall be provided with parking based on the enlargement or change.
- e. All required parking shall be available at all times for the use for which the parking is required. No spaces shall be used for any other parking, for storage, or for any other purpose. Commercial trucks and vehicles shall be parked at the rear of the premises during non-business hours.

4. **Location Of Required Parking Spaces:** The parking space required for all buildings or uses shall be located on the same property with the building or use served.

- E. *Access requirements.* All developed commercial parcels shall provide an interior drive with a minimum width of twenty (20) feet. Parking lots shall provide for the efficient circulation of vehicles by minimizing backing movements. Parcels of land shall be permitted one (1) driveway opening per street frontage, but additional driveway openings may be approved through a Site Development Plan provided there is a minimum of one hundred (100) feet of frontage for each driveway opening. Driveway openings shall not exceed thirty (30) feet in width unless a wider opening is specifically approved in a Site Development Plan. All roads and drives shall be paved with hard surface material meeting specifications of the Village. Curbs and gutters shall be provided along all roads and drives that do not abut parking spaces. All parking areas shall be edged with curbs and gutters. Surface or underground storm drainage facilities shall be provided for all roads and drives and parking areas. All storm drainage shall be directed into established surface or underground storm drainage facilities and approved by the Metropolitan St. Louis Sewer District or a successor entity. Handicapped parking shall be provided in accordance with Missouri law.
- F. *Site development plan.* Any parcel larger than one (1) acre being developed or redeveloped within the "H" Commercial District must have an approved Site Development Plan in compliance with the review procedure and requirements of this Chapter and in conformity with Subsection (5) hereof. (Vil. Ord. No. 557-02, 9-17-02)

SECTION 400.190: "G" ANIMAL PRESERVE

- A. *Generally.* The use of property in the "G" Animal Preserve District shall be limited to the raising, maintenance, and exhibition of non-domesticated animals. There shall be no structures allowed other than those used for the housing, shelter, veterinary care, feeding, grooming, or similar uses in the care of the inhabitant animals. Human residences shall also be allowed for the habitation of the animal care

givers and/or owners. In addition, if the preserve is open to the public, a reasonable number of structures for the accommodation of the public is permitted, including food and incidental facilities related to the operation of such preserve in a fashion open to the public on a not-for-profit basis. For safety reasons, no recreational or other public uses shall be allowed within this District, other than those directly associated with the functioning animal preserve open to the public on a not-for-profit basis.

B. *Height And Area Limitations.*

1. Dwellings for humans shall be situated on tracts of land providing at least three (3) acres of lot area for each dwelling unit; except that any lot or tract of record on the effective date of this Code, May 12, 1998, which contains less area, may be used as a site for one (1) single-family dwelling, together with customary structures and uses.
2. All land uses permitted in this District shall be situated or conducted on tracts of land not less than three (3) acres in area.
3. No structure, other than a permitted directional or information sign or a boundary wall or fence less than six (6) feet in height, shall be erected within fifty (50) feet of any public roadway right-of-way line. A permitted free-standing business sign may be located no closer than twenty-five (25) feet from the roadway right-of-way line. In the case of corner lots, no structure may be erected within the triangular area bound by the property lines and a line connecting two (2) points on the property lines sixty (60) feet from the intersection of the property lines.
4. No structure shall be erected within twenty (20) feet of any property line; except that this requirement shall not apply to any boundary wall or fence less than six (6) feet in height. Any non-residential structure permitted in this District which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet. No dwelling for animal habitation shall be located closer than one hundred (100) feet from any property line.
5. No new lots shall be created of less than three (3) acres in size.

C. *Parking And Public Accommodation.* If an animal preserve is open to the public, the following parking requirements apply:

1. Sufficient off-street parking shall be provided for employees' and visitors' automobiles so as to assure that no such vehicle be parked on any public street.
2. Adequate restroom facilities shall be available to the public, with a sufficient number handicapped accessible to comply with State law, and such facilities shall be maintained in a clean and healthful fashion.

D. *Minimum Improvements And Maintenance Standards.* Required parking facilities other than residential spaces shall conform with the following improvements and maintenance standards:

1. The minimum size of a parking space shall be ten (10) feet by twenty (20) feet, plus the necessary space for means of ingress and egress.
2. Such facilities shall be paved in accordance with Village standards.

3. Adequate provision shall be made for the disposal of storm or surface water.
4. The location of each parking space and the location and direction of movement along the driveways providing access thereto shall be indicated by painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surfacing.
5. Wherever parking areas are to be used during darkness, a system of flood lighting shall be installed to provide an adequate standard of one (1) footcandle of illumination over the entire parking area. All flood lights shall be shielded and directed away from other property so as not to direct more than one-half (½) footcandle of illumination onto any abutting property within a Residential District. Lighting fixtures shall not exceed sixteen (16) feet in height unless specifically permitted by an approved Site Development Plan or by a Special Use Permit issued by the Village Board.
6. A temporary shelter for the use of parking area attendant may be maintained on the lot provided the location, construction and design of same shall be first approved by the Building & Street Commissioner.
7. The parking area shall be maintained in a manner to keep it as free as practicable from dust, paper, and other loose particles, and snow and ice shall be promptly removed by the operator. All adjacent sidewalks shall be kept free from dirt, ice, sleet and snow and in a safe condition for use by pedestrians. All signs, markers, or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Likewise, any walls, trees and shrubbery, as well as surfacing of the parking area, shall be maintained in good condition throughout its use for parking purposes. The Building & Street Commissioner shall have the authority to prohibit the use of the area for parking purposes unless and until proper maintenance, repair or rehabilitation is completed.

E. *Sign Regulations.*

1. Business signs shall be limited in number to one (1) for each separate roadway frontage of any land use and shall not have a larger outline area than fifty (50) square feet per facing.
2. Information signs shall not exceed sixteen (16) square feet of outline area per facing.
3. Directional signs shall not exceed ten (10) square feet in outline area per facing.
4. No signs shall extend more than fifteen (15) feet above the elevation of the ground. (Vil. Ord. No. 557-02, 9-17-02)

SECTION 400.195: "P" PARK DISTRICT

- A. *Generally.* The use of property in the "P" Park District shall be limited to the maintenance of an outdoor recreational area open to the public on a not-for-profit basis and operated by the U.S. Government, the State of Missouri, County of St. Louis or Town of Grantwood Village. There shall be no structures allowed other than those existing structures and incidental associated structures used in the ordinary course of operating a park and historic site. Such incidental associated structures may include administrative offices and maintenance garages. For any structure not constructed by the U.S. Government, the State of Missouri, Saint Louis County or an agency thereof, prior approval of the

Village and a building permit shall be required before the construction of any permitted structure. No recreational or other public uses shall be allowed within this District, other than those directly associated with the operation and administration of a park open to the public on a not-for-profit basis and operated by the U.S. Government, the State of Missouri, Saint Louis County or an agency thereof.

B. *Height and Area Limitations.*

1. No structure, other than a permitted directional or information sign or a boundary wall or fence less than six (6) feet in height, shall be erected within fifty (50) feet of any public roadway right-of-way line. In the case of corner lots, no structure may be erected within the triangular area bound by the property lines and a line connecting two (2) points on the property lines sixty (60) feet from the intersection of the property lines.
2. No structure shall be erected within twenty (20) feet of any property line; except that this requirement shall not apply to any boundary wall or fence less than six (6) feet in height. Any non-residential structure permitted in this District which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.

C. *Parking and Public Accommodation.* The following requirements apply to any use of the property within this District.

1. Sufficient off-street parking shall be provided for employees' and visitors' automobiles so as to assure that no such vehicle be parked on any public street.
2. The minimum improvements and maintenance standards shall conform with Subsection (D) below.
3. Adequate restroom facilities shall be available to the public, with a sufficient number of handicapped facilities accessible to comply with State and County ordinances, and such facilities shall be maintained in a clean and healthful fashion.
4. No business or advertising signs other than those associated with the park shall be permitted within this District.
5. Domesticated pets are allowed within the park, however, they shall be leashed at all times. Horses shall not be allowed within the Park District.
6. No motorized vehicles may be used within the Park District, except for those vehicles using an authorized parking lot or authorized maintenance vehicles operated by the Village, the U.S. Government, the State of Missouri, County of St. Louis or an agency thereof. Bicycles, roller blades, and similar non-motorized recreational activities shall be allowed within the Park District.

D. *Minimum Improvement And Maintenance Standards.* Required parking facilities other than residential spaces shall conform with the following improvements and maintenance standards.

1. The minimum size of a parking space shall be ten (10) feet by twenty (20) feet, plus the necessary space for means of ingress and egress.
2. Such facilities shall have paved surfaces. (Vil. Ord. No. 561, 2/18/03)

3. Adequate provision shall be made for the disposal of storm or surface water.
4. The location of each parking space and the location and direction of movement along the driveways providing access thereto shall be indicated by painting upon the surface, by raised directional signs, or by markers or other similar measures placed on the surfacing. (Vil. Ord. No. 557-02, 9-17-02)

SECTION 400.196: "T" TRAIL DISTRICT

- A. *Generally.* The use of property in the "T" Trail District shall be limited to the maintenance of a natural trail open to the public on a not-for-profit basis subject to the provisions of this District as set forth below. There shall be no structures allowed other than those used to give information to trail users, such as structures giving directional information and trail information. Approval of the Village must be obtained prior to construction of any structure.
- B. *Parking and Public Accommodation.* The following requirements apply to any use of the property within this District.
 1. The hours of operation of the trails shall be from thirty (30) minutes before sunrise to thirty (30) minutes after sunset unless prior approval is received from the Village.
 2. No parking facilities or restroom facilities may be erected or maintained in the Trail District without prior approval from the Village. No public access or other trail use shall be made after sunset or before sunrise.
 3. No business or advertising signs other than those associated with the Trail will be permitted within this District. Such signs shall conform with the regulations set forth in Subsection (C) below.
 4. Domesticated pets are allowed within the Trail, however, they must be leashed at all times. Horses are not allowed within the Trail District.
 5. No alcohol is allowed within the Trail District.
 6. No motorized vehicles may be used within the Trail District, except those authorized maintenance vehicles operated by the Village, the U.S. Government, the State of Missouri, County of St. Louis or an agency thereof. Bicycles, roller blades, and similar non-motorized recreational activities shall be allowed within the Trail District.
- C. *Sign Regulations.*
 1. Signs shall be limited in number to one (1) for each separate roadway frontage of any land use and shall not have a larger outline area than twenty-four (24) square feet per facing.
 2. Information signs shall not exceed sixteen (16) square feet of outline area per facing.
 3. Directional signs shall not exceed ten (10) square feet in outline area per facing.

4. No signs shall extend more than fifteen (15) feet above the elevation of the ground. (Vil. Ord. No. 557-02, 9-17-02)

ARTICLE V. ADMINISTRATIVE AND PROCEDURAL

SECTION 400.200: ENFORCEMENT

- A. *Violation Enforcement.* In addition to other remedies provided by law, the Board of Trustees of the Village may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use of any building, structure, or land used, or intended to be used, in violation of this Chapter or any regulation made under the authority hereof; to restrain, correct, or abate such violation; to prevent the occupancy of said building, structure, or land, or to prevent any illegal conduct, business, or use in or about such premises. It shall be the duty of the Building and Street Commissioner to enforce this Chapter, and he/she is 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 this Chapter or regulations made pursuant thereto. Appeal from orders of the Chairman of the Board of Trustees and/or the Building & Street Commissioner may be made to the Board of Adjustment, as provided in Section 400.290.
- B. *Liability And Punishment For Violations.* The owner or general agent of a structure 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 structure 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 structure 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 structure or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine not to exceed one hundred dollars (\$100.00) for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) and not more than two hundred fifty dollars (\$250.00) for each and every day that such violation shall continue, or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court. Any such person who, having been served with an order to remove any such violation, shall fail to comply with said order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of this Chapter in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00). (Vil. Ord. No. 557-02, 9-17-02)

SECTION 400.210: REZONING OR CHANGE IN THE BOUNDARIES OF ANY ZONING DISTRICT

- A. The rezoning of any Zoning District or the boundaries of any District herein or heretofore or hereafter established may be amended, supplemented, changed, modified or repealed by:
 1. The Board of Trustees, from time to time, on its own motion after at least fifteen (15) days' public notice and hearings as provided by law, and thereafter submitting such a proposal to the Zoning Commission for its recommendation and report.

2. A written petition containing the valid signatures of at least ten percent (10%) of the Village property owners, submitted to the Board of Trustees, and after at least fifteen (15) days public notice and hearing as provided by law, the Board shall take action on the proposal, and if affirmative, shall thereafter submit such proposal to the Zoning Commission for its approval. The proposal, to be approved, shall receive the affirmative action of both the Board of Trustees and the Zoning Commission.
- B. In the event, the Board approves and the Zoning Commission disapproves the proposal submitted, or if, within a reasonable period after changes have been approved by such action as provided above, there is a written protest against any such changes approved by the Board duly signed and acknowledged by the owners of thirty percent (30%) or more either of the area of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the District proposed to be changed, such change shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the Board of Trustees.
- C. Deleted (Vil. Ord. No. 681.14, 8-19-14)

SECTION 400.220: NON-CONFORMING USES

- A. *Authorized.* A non-conforming use is the lawful use of land existing at the time of the passage of this Zoning Code or any amendment thereof, although such use does not conform to the provisions hereof, and may be continued, but if such non-conforming use is discontinued, any future use of said premises shall be in conformity with the provisions of this Chapter.
- B. *Existence And Change.* A lawful non-conforming use of the structures existing prior to the date the Village first adopted a Zoning Code may be extended throughout the structure provided no structural alterations, except those required by law or ordinance, are made therein. If no structural alterations are made, a non-conforming use of a structure may be changed to another non-conforming use of the same or more restricted classification.
- C. *Application To Changed Districts.* The foregoing provisions shall also apply to non-conforming uses in Districts hereafter changed.
- D. *Restoration.* Nothing in this Chapter shall be taken to prevent the restoration of a building destroyed to the extent of not more than seventy-five percent (75%) of its reasonable value by fire, explosion or other casualty or act of God or the public enemy, nor the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction.
- E. *Lapse.* No land or structure or portion thereof used in whole or in part for a non-conforming use which remain idle or unused for a continuous period of one (1) year, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the District in which it is located, unless otherwise authorized by this Zoning Code.

- F. *Termination.* The lawful non-conforming status of a lot, parcel, structure or structures, whether relating to use or site non-conformity, shall terminate upon the filing of a new plat for the division, subdivision or combination of such property, and the new plat and use of the land, structure or structures must conform to the requirements of the ordinances then in effect. (Vil. Ord. No. 557-02, 9-17-02)

ARTICLE VI. BOARD OF ADJUSTMENT / GENERAL PROVISIONS

SECTION 400.230: BOARD DEFINED

The word "*Board*" when used in this Chapter shall be construed to mean the Board of Adjustment. (Vil. Ord. No. 557-02, 9-17-02)

SECTION 400.240: RULES AND REGULATIONS

The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Chapter. (Vil. Ord. No. 557-02, 9-17-02)

SECTION 400.250: MEETINGS

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman or in his/her absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Village office and shall be a public record. All testimony, objections thereto and rulings thereon shall be taken down by a reporter employed by the Board for that purpose. (Vil. Ord. No. 557-02, 9-17-02)

SECTION 400.260: APPEALS TO THE BOARD

- A. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of the Building & Street Commissioner. Such appeal shall be taken within a reasonable time, as shall be prescribed by the Board by filing with the Building & Street Commissioner and with the Board a notice of appeal specifying the grounds thereof, and by paying to the Village Treasurer at the time the notice is filed, a non-refundable filing fee of seventy five dollars (\$75.00). The Building & Street Commissioner shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.
- B. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building & Street Commissioner certifies to the Board after the notice of appeal shall have been filed with him/her that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board, or by a court of record on application or notice to the Building & Street Commissioner and on due cause shown.

- C. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney. (Vil. Ord. No. 557-02, 9-17-02)

SECTION 400.270: JURISDICTION

- A The Board shall have the following powers, and it shall be its duty:
 - 1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Board of Trustees, the Chairman of the Board of Trustees, the Building and Street Commissioner or the Zoning Commission in the enforcement or administration of the provisions of this Chapter.
 - 2. To permit a variation in the yard requirement of any residence where there are practical difficulties or unnecessary hardships in the carrying out of these provisions, due to an irregular shape of the lot or topographic or other conditions.
 - 3. To interpret the provisions of this Chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the Zoning Districts where the street layout actually on the ground varies from the street layout as shown on the Map.
 - 4. To permit the use of premises in any location for public utility purposes vitally necessary to the public convenience or welfare of the inhabitants of the Village.
 - 5. To vary or modify the application of any of the regulations or provisions of this Chapter where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Chapter, so that the spirit of the Chapter shall be observed, public safety and welfare secured, and substantial justice done.
- B. In exercising the above mentioned powers, the Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or decisions, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made.
- C. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building & Street Commissioner or to decide in favor of the applicant on any matter upon which it is required to pass under this Chapter, or to effect any variation in the provisions of this Chapter. (Vil. Ord. No. 557-02, 9-17-02)

SECTION 400.280: APPEALS FROM THE BOARD'S DECISION

- A Any person or persons jointly or severally aggrieved by any decision of the Board may present to the Circuit Court of St. Louis County, Missouri, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board. Upon the presentation of such petition the court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe therein the time within which a return thereto must be

made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order. The Board 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.

- B. 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 his/her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Costs shall not be allowed against the Board unless it shall appear to the Court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. (Vil. Ord. No. 557-02, 9-17-02)

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CHAPTER 405: FLOODPLAIN MANAGEMENT

ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT & PURPOSES

SECTION 405.010: STATUTORY AUTHORIZATION

The Legislature of the State of Missouri has in RSMo 89-020 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. (Vil. Ord. No. 555, 7-16-02)

SECTION 405.020: FINDINGS OF FACT

A. *Flood Losses Resulting from Periodic Inundation*

The special flood hazard areas of The Town of Grantwood Village, Missouri are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

B. *General Causes of the Flood Losses*

These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

C. *Methods Used To Analyze Flood Hazards*

The Flood Insurance Study (FIS) that is the basis of this Chapter uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.

1. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this Chapter is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this Chapter. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials dated August 23, 2000 as amended, and any future revisions thereto.
2. Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
3. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
4. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.

5. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.(Vil. Ord. No. 555, 7-16-02)

SECTION 405.030: STATEMENT OF PURPOSE

It is the purpose of this Chapter to promote the public health, safety, and general welfare; to minimize those losses described in Article I, Section 405.020,1.; to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this Chapter to:

1. restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
2. require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
3. protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.(Vil. Ord. No. 555, 7-16-02)

ARTICLE II. GENERAL PROVISIONS

SECTION 405.040: LANDS TO WHICH CHAPTER APPLIES

This Chapter shall apply to all lands within the jurisdiction of the Village identified as numbered and unnumbered A zones and AE zones, on the Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) dated August 23, 2000 as amended, and any future revisions thereto. In all areas covered by this Chapter, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Village or its duly designated representative under such safeguards and restrictions as the Village or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article IV.(Vil. Ord. No. 555, 7-16-02)

SECTION 405.050: FLOODPLAIN ADMINISTRATOR

The Village Building and Street Commissioner is hereby designated as the Floodplain Administrator under this Chapter.[Article 2 Section C](Vil. Ord. No. 555, 7-16-02)

SECTION 405.060: COMPLIANCE

No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this Chapter and other applicable regulations.(Vil. Ord. No. 555, 7-16-02)

SECTION 405.070: ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail. All other Chapters of this Code inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only. (Vil. Ord. No. 555, 7-16-02)

SECTION 405.080: INTERPRETATION

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by State statutes.(Vil. Ord. No. 555, 7-16-02)

SECTION 405.090: WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This Chapter shall not create a liability on the part of the Village, any officer or employee thereof, for any flood damages that may result from reliance on this Chapter or any administrative decision lawfully made thereunder.(Vil. Ord. No. 555, 7-16-02)

SECTION 405.100: SEVERABILITY

If any section, clause, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this Chapter shall not be affected thereby. (Vil. Ord. No. 555, 7-16-02)

ARTICLE III. ADMINISTRATION**SECTION 405.110: FLOODPLAIN DEVELOPMENT PERMIT REQUIRED**

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Article II, Section 405.040. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.(Vil. Ord. No. 555, 7-16-02)

SECTION 405.120: DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Building and Street Commissioner is hereby appointed to administer and implement the provisions of this Chapter.(Vil. Ord. No. 555, 7-16-02)

SECTION 405.130: DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR

Duties of the Building and Street Commissioner, as Floodplain Administrator, shall include, but not be limited to:

1. review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this Chapter have been satisfied;
2. review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;
3. review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
4. issue floodplain development permits for all approved applications;
5. notify adjacent communities and the Missouri Emergency Management Agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
6. assure that maintenance is provided within the altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished; and
7. verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
8. verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;
9. when floodproofing techniques are utilized for a particular non-residential structure, the Building and Street Commissioner shall require certification from a registered professional engineer or architect.(Vil. Ord. No. 555, 7-16-02)

SECTION 405.140: APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

1. describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
2. identify and describe the work to be covered by the floodplain development permit;
3. indicate the use or occupancy for which the proposed work is intended;
4. indicate the assessed value of the structure and the fair market value of the improvement;
5. specify whether development is located in designated flood fringe or floodway;
6. identify the existing base flood elevation and the elevation of the proposed development;
7. give such other information as reasonably may be required by the Building and Street Commissioner;
8. be accompanied by plans and specifications for proposed construction; and
9. be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority. (Vil. Ord. No. 555, 7-16-02)

ARTICLE IV. PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION 405.150: GENERAL STANDARDS

- A. No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones and AE zones, unless the conditions of this section are satisfied.
- B. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this Chapter. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.
- C. Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any numbered A zone or AE zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- D. All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:
 1. design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. construction with materials resistant to flood damage;
3. utilization of methods and practices that minimize flood damages;
4. all electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. new or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
6. subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 - a. all such proposals are consistent with the need to minimize flood damage;
 - b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - c. adequate drainage is provided so as to reduce exposure to flood hazards; and
 - d. all proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

E. *Storage, material, and equipment*

1. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
2. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

F. *Accessory Structures*

Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this Chapter; and a floodplain development permit has been issued.
(Vil. Ord. No. 555, 7-16-02)

SECTION 405.160: SPECIFIC STANDARDS

- A. In all areas identified as numbered and unnumbered A zones and AE zones, where **base flood elevation** data have been provided, as set forth in Article IV, Section 405.150, B., the following provisions are required:

1. *Residential Construction*

New construction or substantial-improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above base flood elevation.

2. *Non-Residential Construction*

New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article III., Section 405.130, 9.

B. Require, for all new construction and substantial-improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and
2. The bottom of all opening shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.(Vil. Ord. No. 555, 7-16-02)

SECTION 405.170: MANUFACTURED HOMES

A. All manufactured homes to be placed within all unnumbered and numbered A zones and AE zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

B. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A zones and AE zones, on the community's FIRM on sites:

- a. outside of manufactured home park or subdivision;
- b. in a new manufactured home park or subdivision;
- c. in an expansion to and existing manufactured home park or subdivision; or

- d. in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial-damage as the result of a flood,

be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- C. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones and AE zones, on the community's FIRM, that are not subject to the provisions of Article IV, Section 405.170, B. of this Chapter, be elevated so that either:
 - a. the lowest floor of the manufactured home is at one (1) foot above the base flood level; or
 - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.(Vil. Ord. No. 555, 7-16-02)

SECTION 405.180: FLOODWAY

Located within areas of special flood hazard established in Article II., Section 405.040 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris and potential projectiles, the following provisions shall apply:

1. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.
2. The community shall prohibit any encroachments, including fill, new construction, substantial-improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
3. If Article IV, Section 405.180, 2. is satisfied, all new construction and substantial-improvements shall comply with all applicable flood hazard reduction provisions of Article 4.
4. In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources as set forth in Article IV, Section 405.150, B.(Vil. Ord. No. 555, 7-16-02)

SECTION 405.190: RECREATIONAL VEHICLES

Require that recreational vehicles placed on sites within all unnumbered and numbered A zones and AE zones on the community's FIRM either:

- a. be on the site for fewer than 180 consecutive days, or
- b. be fully licensed and ready for highway use*; or

- c. meet the permitting, elevation, and the anchoring requirements for manufactured homes of this Chapter.

*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.(Vil. Ord. No. 555, 7-16-02)

ARTICLE V. FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

SECTION 405.200: ESTABLISHMENT OF APPEAL BOARD

The Village Board of Trustees is established as the Appeal Board and shall hear and decide appeals and requests for variances from the floodplain management requirements of this Chapter.(Vil. Ord. No. 555, 7-16-02)

SECTION 405.210: RESPONSIBILITY OF APPEAL BOARD

- A. Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Floodplain Administrator, the applicant may apply for such floodplain development permit or variance directly to the Appeal Board, as defined in Article V, Section 405.200.
- B. The Appeal Board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.(Vil. Ord. No. 555, 7-16-02)

SECTION 405.220: FURTHER APPEALS

Any person aggrieved by the decision of the Appeal Board or any taxpayer may appeal such decision to the Circuit Court of the County of St. Louis, Missouri as provided in RSMo. 89-110. (Vil. Ord. No. 555, 7-16-02)

SECTION 405.230: FLOODPLAIN MANAGEMENT VARIANCE CRITERIA

In passing upon such applications for variances, the Appeal Board shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this Chapter, and the following criteria:

- a. the danger to life and property due to flood damage;
- b. the danger that materials may be swept onto other lands to the injury of others;
- c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d. the importance of the services provided by the proposed facility to the community;
- e. the necessity to the facility of a waterfront location, where applicable;
- f. the availability of alternative locations, not subject to flood damage, for the proposed use;
- g. the compatibility of the proposed use with existing and anticipated development;

- h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,
- k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges. (Vil. Ord. No. 555, 7-16-02)

SECTION 405.240: CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES

- A. Generally, variances may be issued for new construction and substantial-improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 2 through 6 below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.
- C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. Variances shall only be issued upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or Chapters.
- F. A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter. (Vil. Ord. No. 555, 7-16-02)

SECTION 405.250: CONDITIONS FOR APPROVING VARIANCES FOR ACCESSORY STRUCTURES

- A. Any variance granted for an accessory structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Article V, Sections 405.230 of this Chapter.
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- B. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.

1. Use of the accessory structures must be solely for parking and limited storage purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
2. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Article IV, Section 405.150, D., 2. of this Chapter.
3. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with Article IV, Section 405.150, D., 1. of this Chapter. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
4. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article IV, Section 405.150, D., 4. of this Chapter.
5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Article IV, Section 405.160, 3. of this Chapter.
6. The accessory structures must comply with the floodplain management floodway encroachment provisions of Article IV, Section 405.180, 2. of this Chapter. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
7. Equipment, machinery, or other contents must be protected from any flood damage.
8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
9. A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.
10. Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.(Vil. Ord. No. 555, 7-16-02)

ARTICLE VI. PENALTIES FOR VIOLATION

SECTION 405.260: PENALTIES

Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00), and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Grantwood Village or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation. (Vil. Ord. No. 555, 7-16-02)

ARTICLE VII. AMENDMENTS

SECTION 405.270: AMENDMENTS

The regulations, restrictions, and boundaries set forth in this Chapter may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County of St. Louis, Missouri. At least 20 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this Chapter are in compliance with the National Flood Insurance Program (NFIP) regulations. (Vil. Ord. No. 555, 7-16-02)

ARTICLE VIII. DEFINITIONS

SECTION 405.280: DEFINITIONS

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the same meaning they have in common usage and to give this Chapter its most reasonable application.

"100-year Flood" *see "base flood."*

"Accessory Structure" means the same as *"appurtenant structure."*

"Actuarial Rates" *see "risk premium rates."*

"Administrator" means the Federal Insurance Administrator.

"Agency" means the Federal Emergency Management Agency (FEMA).

"Appeal" means a request for review of the Floodplain Administrator's interpretation of any provision of this Chapter or a request for a variance.

"Appurtenant Structure" means a structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means any area of the structure having its floor subgrade (below ground level) on all sides.

"Building" *see "structure."*

"Chief Executive Officer" or "Chief Elected Official" means the official of the community who is charged with the authority to implement and administer laws, Chapters, and regulations for that community.

"Community" means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Elevated Building" means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Eligible Community" or "Participating Community" means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

"Existing Construction" means for the purposes of determining rates, structures for which the *"start of construction"* commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. *"existing construction"* may also be referred to as *"existing structures."*

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Boundary and Floodway Map (FBFM)" means an official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

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"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards.

"Flood Fringe" means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

"Flood Insurance Study (FIS)" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

"Floodplain" or "Flood-prone Area" means any land area susceptible to being inundated by water from any source (*see "flooding"*).

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

"Floodplain Management Regulations" means zoning Chapters, subdivision regulations, building codes, health regulations, special purpose Chapters (such as floodplain and grading Chapters) and other applications of police power. The term describes such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

"Floodway" or "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floodway Encroachment Lines" means the lines marking the limits of floodways on Federal, State and local floodplain maps.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. *"Freeboard"* tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are

necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, **provided** that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this Chapter.

"Manufactured Home" means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term *"manufactured home"* **does not include** a *"recreational vehicle."*

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

"Market Value" or "Fair Market Value" means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

"Mean Sea Level" means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

"New Construction" means, for the purposes of determining insurance rates, structures for which the *"start of construction"* commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *"new construction"* means structures for which the *"start of construction"* commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed

(including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

"(NFIP)" means the National Flood Insurance Program (NFIP).

"**Participating Community**" also known as an "*eligible community*," means a community in which the Administrator has authorized the sale of flood insurance.

"**Person**" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

"**Principally Above Ground**" means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

"**Recreational Vehicle**" means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"**Remedy A Violation**" means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

"**Risk Premium Rates**" means those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. "*Risk premium rates*" include provisions for operating costs and allowances.

"**Special Flood Hazard Area**" *see "area of special flood hazard."*

"**Special Hazard Area**" means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A and AE.

"**Start of Construction**" includes substantial-improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The *actual start* means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the *actual start of construction* means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" means that agency of the state government, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

"Structure" means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *"Structure"* for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

"Substantial-Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial-Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before *"start of construction"* of the improvement. This term includes structures which have incurred *"substantial-damage,"* regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a *"historic structure,"* provided that the alteration will not preclude the structure's continued designation as a *"historic structure."*

"Variance" means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this Chapter is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.(Vil. Ord. No. 555, 7-16-02)

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CHAPTER 410: ZONING COMMISSION

SECTION 410.010: COMMISSION DEFINED

The word "*Commission*" when used in the Chapter shall be construed to mean the Zoning Commission.(Vil. Ord. No. 553, 7-16-02)

SECTION 410.020: RULES AND REGULATIONS

The Commission shall from time to time adopt such rules and regulations as it may deem necessary to carry into effect the provisions of this Chapter.(Vil. Ord. No. 553, 7-16-02)

SECTION 410.030: POWERS AND DUTIES

The Zoning Commission shall have all the powers and duties now or hereafter prescribed by the Zoning Code herein, and the law of the State of Missouri.(Vil. Ord. No. 553, 7-16-02)

SECTION 410.040: MEETINGS

Meetings of the Commission shall be held at the call of the Chairman and at such times as the Commission may determine. Such Chairman or in his/her absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote of each appointed member upon each question, or, if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Village Hall and shall be a public record. All testimony, objections thereto and rulings thereon shall be taken down by a reporter employed by the Village for that purpose. (Vil. Ord. No. 553, 7-16-02)

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