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Sec. 10-01. GENERAL

For the purpose of this Article, certain words and phrases are herein defined. Words and phrases defined herein shall be given the defined meaning. Words and phrases that are not defined shall be given their usual meaning except where the context clearly indicates a different or specified meaning.

Words used in the present tense shall include the future; the singular number includes the plural and the plural includes the singular; the word dwelling includes the word residence, the word shall is mandatory and not permissive.

Sec. 10-02. GENERAL TERMS

Abandonment – The voluntary discontinuance of a use, when accompanied by intent not to re-establish such use. Any of the following shall constitute prima facie evidence of intent to abandon.

- (1) Any positive act indicating such intent; or
- (2) Any conscious failure to take all necessary steps to resume the non-conforming use with reasonable dispatch in the circumstances, including advertising of the property for sale or for lease; or
- (3) In the case of a structure or of a structure and land in combination, discontinuance of the non-conforming use for 12 consecutive months; or
- (4) In the case of land only, discontinuance of the non-conforming use for 90 days, or for a total of six (6) months during any one (1) year period.

Accessory building – Any building, the use of which is incidental to the principal use of another structure on the same premises.

Accessory structure – Any structure, the use of which is incidental to the principal use of another structure on the same premises.

Alley – A secondary means of ingress or egress serving more than one tract of land and used primarily for vehicular service, and which may be used for public utility purposes.

Applicant – Any person submitting an Application to the City of Chesterfield.

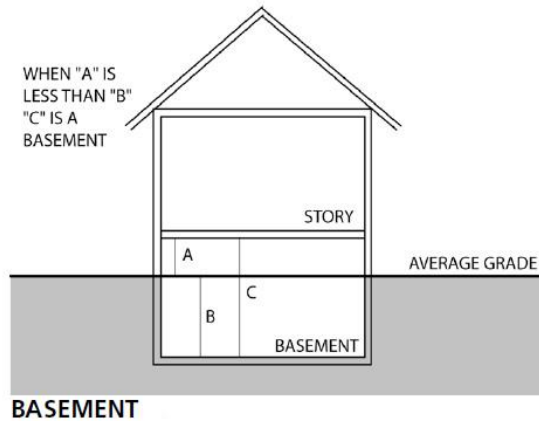
Application – The form approved by the City, together with all necessary and appropriate documentation that an Applicant submits in order to be considered a complete submittal for review.

Atrium – An open public area within a building established principally for aesthetic purposes.

Automobile (automotive) – As used herein, the term includes passenger cars, motorcycles, vans, pickup trucks, boats and recreational vehicles.

Base flood – The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Basement – A floored and walled substructure of a building at least 50% below the average finished grade of the building.



Benchmark – A definite point of known elevation and location and of more or less permanent character. The identity and elevation shall be based on United States Geological Survey (U.S.G.S.) Datum. Benchmarks established from 1981 Metropolitan St. Louis Sewer District (M.S.D.) Benchmark Loop System and Missouri Department of Transportation Benchmarks or temporary benchmarks established thereon are acceptable.

Block – An area of land surrounded by public highways, streets, streams, railroad rights-of-way, parks, rural land, drainage channels, or other similar areas or facilities.

Building – A structure that is affixed to the land, has one or more floors, one or more exterior walls and a roof, and is designed or intended for use as a shelter.

Building face or wall – All window and wall area of a building in one plane or elevation.

Build-to line – An alignment established a certain distance from the curb line (or property line) to a line along which the building shall be built. Front porches and handicap ramps shall be exempt from build-to line requirements, and must occur behind the property line.

City – The City of Chesterfield, St. Louis County, Missouri.

Commission – The Planning Commission of the City of Chesterfield.

Common ground – That land set aside for open space, including stormwater, retention lakes, ponding, or recreational use for the owners of lots in a subdivision, which land is conveyed in trust for the benefit, use, and enjoyment of the lot owners.

Common open space – Common open space means a parcel or area of land or an area of water or a combination of both within the Planned Unit Development (PUD) which is designed and

intended for the use or enjoyment of the residents. This area may include stream corridors, agricultural lands, archeological sites or other elements to be protected from development as well as easements for public utilities. It also includes any improvements as are necessary and appropriate for the benefit and enjoyment of the residents or land owners. Common open space does not include any portion of an improved lot, dedicated to buildings or vehicular navigation.

Comprehensive (General) Plan – A plan or any portion thereof for the coordinated development of the City of Chesterfield and adopted by the City Council. This plan may also be known as the Comprehensive Plan.

Condominium – A form of property ownership under the Condominium Property Act, Chapter 448, Missouri State Revised Statutes.

Council – The City Council of the City of Chesterfield, Missouri.

Department – The Department of Public Services of the City of Chesterfield.

Detention – The temporary storage of the differential runoff of stormwater by providing permanent facilities, such as dry reservoirs, ponds, or other acceptable alternatives.

Developer – That person, firm, or corporation by whom a tract will be subdivided, improved, constructed, graded, etc., pursuant to the requirements of this Unified Development Code.

Development – The act of changing and the state of a tract of land after its function has been purposefully changed by man including, but not limited to, structures on the land and alterations to the land.

Development rights – The rights of the owner of a parcel of land, under land development regulations, to configure that parcel and the structures thereon to a particular density for residential uses or maximum square feet of a structure for non-residential uses or any other development right as approved by the City of Chesterfield.

Director – The Director of Public Services of the City of Chesterfield.

Easement, large lot roadway – A private thoroughfare which provides a means of access to lots within a large lot subdivision.

Easement, multiple family access – A private thoroughfare which provides a means of access to parking areas and bays and to abutting buildings which are developed solely or principally as multiple-family dwellings.

Easement, private roadway – A designated vehicular access way for the servicing of individual lots within a large lot subdivision.

Easement, road improvement, maintenance, and utility – A grant by a property owner to the City, County, State, or Federal government for the purpose of road improvement and widening, road maintenance, sidewalks, public or private utilities and sewers.

Easement, road maintenance and improvement – A grant by a property owner to the City of Chesterfield for the purpose of road maintenance, improvement, and widening.

Easement, stormwater control – A grant by a property owner to the City or MSD for the purpose of stormwater control.

Easement, stormwater control access – A grant by a property owner to the City or MSD providing access to stormwater control facilities for maintenance purposes.

Easement, utility – A grant by a property owner to a public or private utility company for the purpose of installation, improvement, and maintenance of public or private utilities.

Engineer – A professional engineer licensed in the State of Missouri.

EPA – The State and/or Federal Environmental Protection Agency or its duly designated and authorized successor agency.

Escrow agent – A title company, bank, savings and loan association, trust company, attorney, or any other person or agency approved by the City Attorney to act as escrow agent under the provisions of this Unified Development Code.

FAA – The Federal Aviation Administration or its duly designated and authorized successor agency.

Family – An individual or two (2) or more persons related by blood or marriage and their children or a group of not more than three (3) persons and their children who need not be related by blood or marriage living together and subsisting in common as a single non-profit housekeeping unit utilizing not more than two (2) kitchens.

FCC – The Federal Communications Commission or its duly designated and authorized successor agency.

FEMA – The Federal Emergency Management Agency or its duly designated and authorized successor agency.

Fence, sight proof – A fence with an opaque value of 70% or greater. Such structure may be a chain link fence in combination with slat or lattice materials.

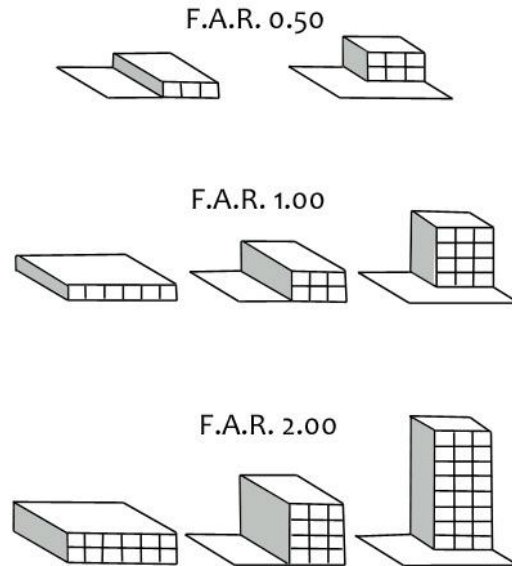
Flag – Any fabric or bunting containing distinctive colors, patterns, or symbols, used to identify a governmental, political, or private entity.

Floodplain – That area within the City of Chesterfield subject to a one percent (1%), or greater, chance of flooding in any given year. This area is designated on the FEMA Flood Boundary and Floodway Maps and the City of Chesterfield zoning map, and is subject to "FP" Floodplain regulations of the UDC.

Floodway – The area designated as floodway on the Federal Emergency Management Agency Flood Insurance Rate Maps. It is derived by determining that portion 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 (1) foot.

Floor Area Ratio (F.A.R.) – The gross floor area of all buildings on a lot divided by the total lot area. This square footage does not include any structured or surface parking. Planning Commission may request two calculations: one calculation for those areas above grade and another that includes building area below grade. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.



Floor area, gross – The sum of the gross horizontal area of all floors of a building including basement areas, as measured from the interior perimeter of exterior walls. Such area shall not include the following: interior loading and parking areas, atriums except the first floor area, rooftop mechanical equipment enclosures, and the enclosed mall areas of shopping centers.

Frontage – That edge of a lot bordering right-of-way.

Grading – Clearing, excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

Green space – All green, landscaped, or vegetation areas of a site, including other non-paved surfaces.

Highway – See "Street."

Improvements – Street pavement, turning lanes, traffic signals, bridges and culverts, sidewalk pavement, pedestrian-way pavement, water mains, fire hydrants, storm sewers and roadside drainage ditches, erosion, siltation control, sanitary sewers, signs, monuments, landscaping, street lights, and other similar items.

Land surveyor – A land surveyor registered in the State of Missouri.

Lessee – Any person who leases all or a portion of a premises on a day-to-day, week-to-week or month-to-month basis.

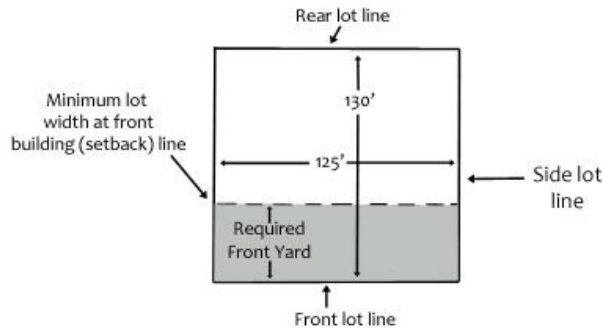
Litter – Means and includes, garbage, trash, refuse, junk, brush, inoperative machinery, or other waste material.

Loading space – A durably dustproofed, properly graded for drainage, off-street space used for the loading and unloading of vehicles, except passenger vehicles, in connection with the use of the property on which such space is located.

Lot – A platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

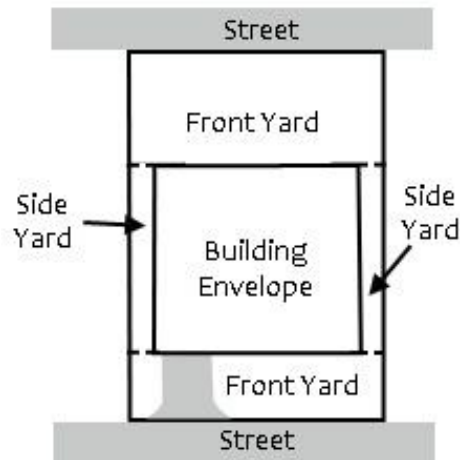
Lot (parcel) of record – A lot which is part of a subdivision, the plat of which has been legally approved and recorded in the Office of the Recorder of Deeds of St. Louis County, or a parcel of land which was legally approved and the deed recorded in the Office of the Recorder of Deeds.

Lot area – The total horizontal surface area within the boundaries of a lot exclusive of any area designated for street purposes.



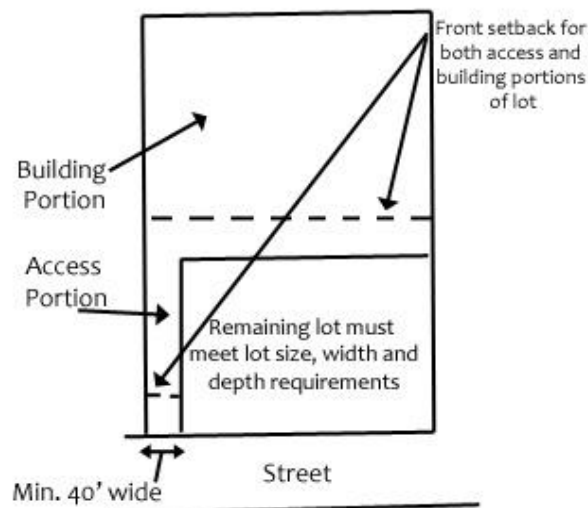
Lot, corner – A platted parcel of land abutting a minimum of two (2) road rights-of-way at their intersection.

Lot, double frontage – A lot having frontage on two (2) nonintersecting streets, as distinguished from a corner lot.



Lot, flag – A residential lot with two (2) discernible portions described as follows:

- (1) Access portion. That portion of the lot having frontage on or abutting a public road, with the frontage being sufficient in width for a private drive to serve the building site portion.
- (2) Building site portion. That portion of the lot not fronting on or abutting a public road, but connected to a public road by the access portion of the lot. The building site portion of the lot must meet the minimum dimensions and area requirements for lots in the particular zoning district.



Mall – An enclosed public way upon which business establishments have direct access and which serves primarily for the movement of pedestrians, with trees, benches, or other

furnishings provided and with vehicular access prohibited, restricted, or reduced so as to emphasize pedestrian use.

Mansard – A roof having two slopes on all sides with the lower slope steeper than the upper one.

Maximum Structure Square Footage – The gross horizontal area of a floor of a building or structure measured from the exterior walls or from the centerline of party walls. Structure Square Footage includes the floor area of accessory buildings and structures.

Material improvement – Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- (1) Before the improvement or repair is started, or
- (2) If the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition, material improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Mobile home – A self-contained mobile structure intended to be used for dwelling purposes which has been, or reasonably may be, equipped with wheels or other devices for transporting said structure.

Mobile Food Vendor - A person who cooks, prepares and distributes food or offers food for a charge from a mobile food vending unit located on any public or private property for a temporary basis.

MoDOT – State of Missouri Department of Transportation or its duly designated and authorized successor agency.

Modular unit – A prefabricated building which arrives at its building site virtually complete and requiring only site preparation and assembly of major components, including installation on a permanent foundation.

Monument – A permanent marker to be made of materials and placed by a land surveyor at locations specified in Article 04-08 of this UDC.

MSD – The Metropolitan St. Louis Sewer District or its duly designated and authorized successor agency.

Municipal Zoning Approval or MZA – (also referred to as zoning authorization) Approval to erect, construct, post, alter, enlarge, maintain or relocate a structure. Said authorization is issued by the City of Chesterfield in accordance with all applicable regulations of this UDC.

Net area – The total area of a site for residential or non-residential development, excluding street rights-of-way and other publicly dedicated improvements, such as parks, open space, and stormwater detention and retention facilities, and easements, covenants, or deed restrictions, that prohibit the construction of building on any part of the site. Net area is expressed in either acres or square feet.

Net Density (or Density) – The result of multiplying the net area in acres times 43,560 square feet per acre and then dividing the product by the required minimum number of square feet per dwelling unit required by the UDC for a specific residential district. To be expressed in residential density units per acre.

Non-conforming land use or structure – A use or structure which existed lawfully whether by variance or otherwise, on the effective date of this UDC or any amendment thereto became effective, and which fails to conform to one or more of the applicable regulations of the UDC or such amendment thereto.

Open storage – Storage of material or goods on the ground outside of a building.

Open space – Open space may include pervious surfaces such as ponds, grass areas, and landscaped areas. Open space also includes water features or drainage ditches, sidewalks, and pedestrian areas such as plaza areas for seating. Open space specifically excludes any portion of a site covered by a building, any paved area for vehicular circulation or parking, and any outdoor storage areas.

Otherwise lawful – Means in compliance with applicable zoning district regulations and with all rules, regulations, ordinances, conditions, permits, and licenses applicable to the property or activity, whether arising from this Unified Development Code or any other ordinance.

Overlay district – An overlay district is a set of additional zoning requirements that is placed on a geographic area but does not change the underlying zoning of that area. The overlay district adds additional restrictions, protections or provides certain incentives in specific geographic areas or for land with special physical features or characteristics.

Owner – A person, corporation, entity or organization, recorded as such on official records and including duly authorized agent or notary holding legal title, or possession or control of the land.

Parcel (tract) of land – A separately designated area of land delineated by identifiable legally recorded boundary lines.

Parking bay – A paved vehicle storage area directly adjacent to the multiple-family access street pavement.

Parking space – A durably dustproofed, properly graded for drainage, usable space, enclosed in a main building or in an accessory building, or unenclosed, reserved for the temporary storage

of one (1) vehicle, and connected to a street, alley, or other designated roadway by a surfaced aisle or driveway. Each such designated space shall comply with the dimensional requirements as established by the City of Chesterfield.

Parkway – A road or roadway intended to be used primarily for passenger vehicles and developed with a park-like or scenic character.

Pave (pavement) – The act or result of applying a hard, water-tight material to any ground surface in such manner as to present a uniform surface over large areas.

Pedestrian way – An easement or right-of-way designated to facilitate pedestrian access to adjacent streets and properties.

Person – Any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.

Person having control – Any occupant, agent, servant, representative of employee of any owner, or lessee or renter of any property who exercises any control on behalf of the owner, lessee or renter.

Plan, Landscape – A detailed plan illustrating current and proposed vegetation prepared in accordance with Article 04-02 of this UDC.

Plan, Lighting – A plan indicating the location of all standards and fixtures; the proposed type of illuminating devices, fixtures, lamps, supports, reflectors and other devices and photometric information prepared in accordance with Article 04-03 of this UDC.

Plan, Preliminary Development – A plan required for a change in zoning to a planned district prepared in accordance with Article 02-04 of this UDC.

Plan, Site – A plan for development which is over 1,000 square feet and not located in a planned district.

Plan, Site Development – A plan for development in planned districts that is being done in one phase.

Plan, Site Development Concept – A conceptual plan for development in planned districts being done in phases. A Site Development Concept Plan provides an overall picture of a development that is being divided into sections to be developed in phases. A Site Development Concept Plan constitutes a Preliminary Plat.

Plan, Site Development Section – A plan showing the sections of a Site Development Concept Plan and the details of the development thereof.

Plan, Sketch – An informal plan indicating salient existing features of a tract and its surroundings, including the general layout of a proposed subdivision or land development.

Plan, Tree Preservation – A plan that delineates areas where trees are to be saved and details measures to be taken to ensure protection and survivability of trees to be saved prior to and

during construction, and also complies with guidelines which are listed in the Tree Preservation and Landscape Requirements.

Plat – A subdivision of land legally approved and recorded.

Premises – A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Property line – The legally recorded boundary of a lot, tract, or other parcel of land.

Receiving district – One or more districts in which the development rights of parcels in a transfer district can be sent, conveyed to, or otherwise obtained.

Receiving parcel – A parcel of land in the receiving district that is the subject of a transfer of development rights, where the owner of the parcel is receiving development rights, directly or by intermediate transfers, from a transfer parcel, and on which increased density and/or intensity is allowed by reason of the transfer of development rights.

Related Entity – A related entity of another person, or entity:

- (1) If any person, firm, corporation, association, partnership, or other entity with a substantial interest in one entity, has a principal (individual, corporate, or partnership) or substantial interest in the other; or
- (2) If either entity has a principal or substantial (25% or more) interest in the other.

Residence – Any building which is designed or used exclusively for residential purposes, except hotels and motels.

Right-of-way – A strip of land reserved or acquired by dedication, prescription, condemnation, gift, purchase, eminent domain or any other legal means occupied or intended to be occupied by a street, sidewalk, railroad, utility, sewer, or other similar use.

Roadway right-of-way line – The boundary that divides a lot from a public or private roadway.

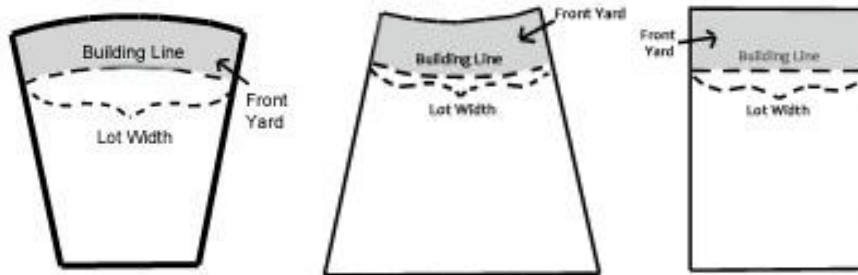
Roof line – The top edge of a roof or building parapet, whichever is higher, excluding any mansards, chimneys, cupolas, or minor projections.

RSMo – Missouri Revised Statutes.

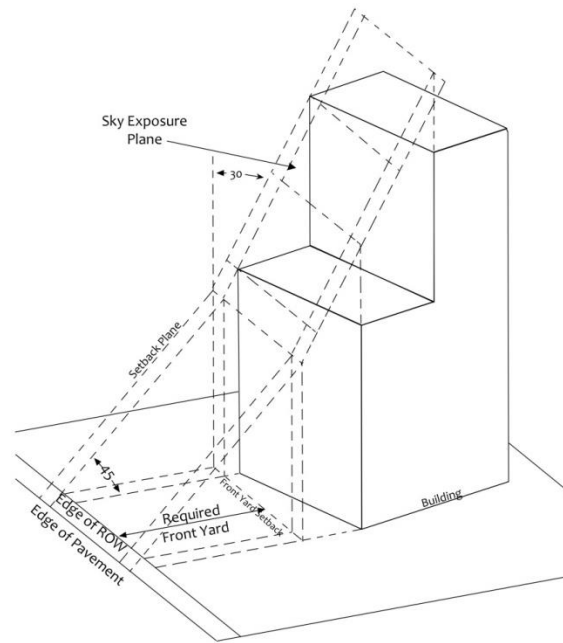
Satellite dish – An accessory structure which at its widest dimension is in excess of 36 inches; an earth-based station, the purpose of which is to receive signals from orbiting satellites and other extraterrestrial sources, together with other equipment related to such purposes.

Seasonal or holiday display – A temporary decorative display celebrating or denoting religious holidays or events, the seasons of the year, state and National holidays, and similar occasions.

Setback (building line) – The required minimum distance from a road right-of-way or lot line that establishes the area within which a structure can be erected or placed, except as may be permitted elsewhere in this UDC.

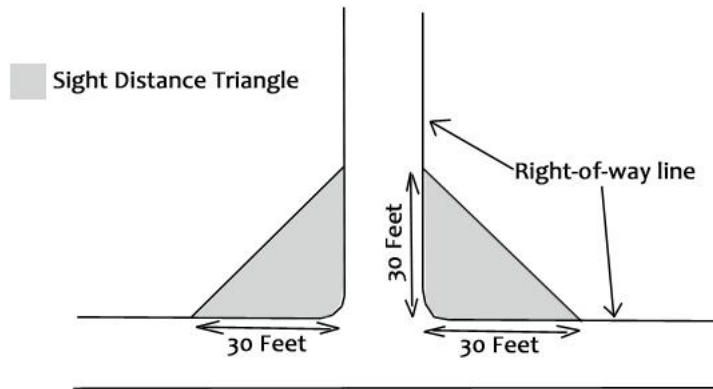


Setback plane – A theoretical plane beginning at the edge of the street and rising at a 45-degree angle over the required front yard to the front yard setback line used to determine the starting point for the sky exposure plan.



Sight distance – The clear line of sight necessary for pedestrian safety or safe operation of a motorized vehicle.

Sight distance triangle – The triangular area of a corner lot bound by the property lines and a line connecting the two (2) points on the property lines 30 feet from the point of intersection of the projected property lines. The sight distance triangle also applies to driveways, points of ingress / egress, or any other area where a conflict (whether vehicular or non-vehicular) exists.



Siltation control – The installation of such devices as sediment ponds, bales of straw, fencing, siltation webbing, sodding, seeding and mulching, or other devices to prevent silting of abutting properties and roadways during the period of construction and up to and including such time as permanent ground cover is attained.

Site. Contiguous lots, tracts, projects or subdivisions of a single owner or several owners.

Sky exposure plane – A theoretical plane beginning on a line at the intersection of the setback plane and front yard setback rising over the buildable area of the lot on a slope determined by an acute angle of 60 degrees.

Slope – The rate of deviation of the ground surface from the horizontal as expressed in percentages.

Special procedure – A special procedure is a procedure identified in this Unified Development Code as a mechanism for allowing certain developments under a specific process and requirements without modifying or changing the underlying zoning district. Examples of special procedures in this Code include, but are not limited to the Residential Business Use and the Museum and Arts Area. See Article 03 of this UDC for a complete list of special procedures.

State – The State of Missouri.

Story – The horizontal segment of a building between the floor surface and the ceiling next above it, and wholly above grade.

Street – A general term denoting a public or private right-of-way which affords the principal means of vehicular access of abutting property. The term includes all facilities which normally occur within the right-of-way; it shall also include such other designations as highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, court, but shall

not include an alley or a pedestrian-way. For the purposes of the sign regulations relative to sign location and number to respective roadway or roadway frontage, roadway shall include not only public or private rights-of-way providing access to abutting properties from the front but also limited and restricted access highways.

Street, collector – Collector streets function as secondary land service streets in that they move traffic from the major streets, which distribute traffic regionally, to local streets, which distribute the traffic to individual lots, parcels, and uses within the subdivision, area, or neighborhood. Collector streets also may serve individual lots, parcels, and uses as a secondary or additional function.

Street, cul-de-sac – A short, independent, street terminating in a circular turnaround.

Street, frontage or service – A street generally parallel to and adjacent to arterial streets and highways, which provides access to abutting properties and protection from through traffic.

Street, local – Local streets are exclusively land service facilities for access to abutting properties. These serve the local neighborhood and may be in the form of a cul-de-sac or loop street; provided, however, that any combination of loop and cul-de-sac streets may be utilized without the streets being designated as collector streets provided that such an arrangement serves the same function and also that the maximum fronting lots do not exceed the total which would be allowed within the provisions of this UDC.

Street, loop – A short, independent street which usually terminates along the same collector street, of its origin.

Street, private – A private way which affords the principal means of vehicular access to abutting property.

Street, stub – A stub street is one serving a parcel of land that temporarily terminates at a property line and is intended to be continued onto an abutting parcel in the future.

Street system, arterial – This system, along with the state highway and interstate routes, must serve as the principal network for through traffic flows. Arterial streets should connect areas of principal traffic generation with the designated U.S. and state highways. The primary purpose of the arterial street system is to serve through traffic, local access should be kept to a minimum. A properly designed and developed major arterial street system should help define the residential neighborhoods, industrial sites, and commercial areas and minimize the conflicts with school and park development.

- (1) Major arterials are streets and highways that provide service to traffic entering and exiting the City and between major activity centers.
- (2) Minor arterials are streets that feed the major arterial system, support moderate trip lengths and serve activity centers.

Street system, collector – This system includes all distributor and collector streets serving traffic between arterial and local facilities. This type of roadway basically serves an equal function for providing for through traffic movements and for access for abutting properties. These roads

may also serve to connect adjacent neighborhoods. To discourage through traffic, some discontinuity of the collector system through residential areas is often desirable. However, through commercial areas, the collector system should be more continuous.

Street system, local – Included in this system are all streets used primarily for direct access to residential, commercial, industrial, or other abutting properties. Continuity of the local street system in residential areas is necessary only to the extent required to provide easy and fairly direct access to adjacent properties and to connect with collector and arterial streets.

Streetscape – The character or scene observed along a street and as created by natural and man-made components including: width, paving materials, plantings, street furniture, traffic lights, and the forms of the surrounding buildings.

Structure – Any assembly of material forming a construction for occupancy or use, excepting, however, utility poles and appurtenances thereto, underground distribution or collection pipes or cables, and underground or ground level appurtenances thereto.

Subdivision – A subdivision is:

- (1) A multiple-family subdivision; or
- (2) The division or redivision of tract or tracts of land wherein:
 - a. Any resulting lot or tract is less than ten (10) acres in area; or
 - b. Any resulting side of a lot created by a division is less than 200 feet in length, unless such side is the original boundary of the original, legally-existing tract; or
- (3) Dedication of a new street right-of-way; or
- (4) Non-residential subdivision.

Subdivision, large lot – A single-family residential subdivision wherein all lots are three (3) acres or more in area and each boundary side is greater than 200 feet in length.

Subdivision, minor – Any classification of a subdivision wherein the division or redivision of land meets the criteria set forth in Article 02-11 of this UDC.

Subdivision, multiple-family – A tract of land, whether divided into separate lots or not, which is intended for the construction of duplexes, multiple-family dwellings, row houses, and other arrangements of attached or connected building units.

Subdivision, non-residential – Either:

- (1) A division or redivision of a tract of land into more than one lot, plat, or site for commercial or industrial purposes; or
- (2) The dedication or establishment of a street, alley, pedestrian way in conjunction with or use in any such tract.

Subdivision, residential (single family) – A subdivision for single-family residential purposes wherein any resulting lot, plat, or site:

- (1) Has less than 300 feet of frontage on a street built to City standards; or
- (2) Is ten (10) acres or more in area but not located on a street built to City standards with any side being less than 300 feet in length; or
- (3) Is so proposed as to include the dedication or establishment of a street, alley, or public way in conjunction with or used in any such tract, or the designation of any additional private roadway easement which serves as the principal means of access to any adjoining properties; or
- (4) Is less than ten (10) acres in area.

Substantial construction, development or work –

- (1) In a project involving structures, the completion of excavation for footings and foundations.
- (2) In a project involving no structures or insignificant structures, the completion of grading.

Surety company – An insurance company qualified and acting under the provisions of Chapter 379 Revised Statutes of Missouri which has met the requirements of Section 379.020 thereof and which is approved by the City Attorney or to act as a surety under Article 02-12 of this UDC.

Survey – As provided or referenced herein, survey refers to a cadastral survey, land survey, boundary survey, property survey, topographic survey, spot survey, improvement survey, as may be appropriate to the individual section. In all cases, a survey is required to be a current survey which is signed and sealed by a registered, professional surveyor, licensed to practice in the State of Missouri.

Tandem parking – A parking space within a group of two (2) or more parking spaces arranged one behind the other.

Title company – A corporation qualified and acting under the Missouri Title Insurance Law or a corporation which is an issuing agency for an insurance company insuring land titles.

Tract – An area or parcel of land which the developer intends to subdivide and improve, or to cause to be subdivided and improved, pursuant to the requirements of this Unified Development Code.

Traditional Neighborhood Design (TND) - A compact, mixed use neighborhood where residential buildings are in close proximity to commercial and/or civic buildings. The main objective of a TND is to encourage public interaction in order to create a sense of community. Cultural and environmental features influence the way the site is developed and may include, but not be limited to diversity in residential architecture, inclusion of front porches, common squares, public gathering spots, community amenities, pedestrian oriented site design, inclusion of boulevards or grid system of streets.

Transfer District – One or more districts in which the development rights of parcels in the district may be designated for use in one or more receiving districts, subsequently severing in part or in whole the development rights of said parcels.

Transfer Parcel – A parcel of land in the transfer district that is the subject of a transfer of development rights, where the owner of the parcel is conveying development rights of the parcel in part or in whole, and on which those rights so conveyed are extinguished and may not be used by reason of the transfer of development rights.

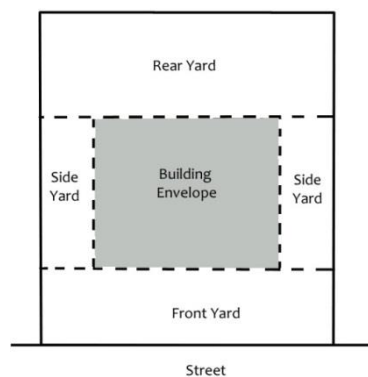
Transfer of Development Rights – The procedure prescribed by this UDC whereby the owner of a parcel in the transfer district may convey development rights to the owner of a parcel in the receiving district or other person or entity, whereby the development rights so conveyed are extinguished on the transfer parcel and may be exercised on the receiving parcel in addition to the development rights already existing regarding that parcel or may be held by the receiving person or entity.

Tree Stand Delineation – A plan in accordance with the requirements in Article 04 of this UDC that provides a general accounting of existing vegetation so that a conceptual design of the proposed development can be done.

Trust indenture – Any recordable instrument by which common ground is held or maintained or assessments in a subdivision are levied for the administration of specific maintenance obligations or both.

Variance – A means of granting a property owner relief from certain provisions of this Unified Development Code where, owing to special conditions, a literal enforcement of the provisions of the Code will result in unnecessary hardship, and so that the spirit of the UDC shall be observed and substantial justice done.

Yard – An open area between the structure setback lines of a lot as established by the regulations of a particular zoning district, and the property lines of the same lot.



Yard, front – A space extending across the entire front of a lot between the structure setback line as required by the regulations of a particular zoning district and the roadway right-of-way line.

Yard, rear – A space opposite the front yard, extending across the entire rear of a lot between the structure setback line as required by the regulations of a particular zoning district and the rear lot line.

Yard, side – A space extending between the structure setback line as required by the regulations of a particular zoning district and the side lot lines measured between the front yard and the rear yard.

Zoning district – A part or parts of the City of Chesterfield for which this Unified Development Code establishes regulations governing the development and use of land therein.

Zoning district, active – Districts which are available for a change of zoning, ordinance amendment, or special procedure request.

Zoning district, inactive – Districts which are applicable to existing developments as depicted on the City of Chesterfield Zoning Map but are not available for future zoning map amendment requests.

Zoning district, planned – A method of zoning that allows for flexibility in specified development standards.

Zoning district, straight – A method of zoning that includes specific development standards and establishes by-right entitlements.

Sec. 10-03. USE TERMS

Accessory use – A use incidental and subordinate to the principal use of the premises. See Article 03-02. of this UDC for more information on accessory uses.

Administrative office for educational or religious facility – An establishment primarily engaged in providing internal office administration services as opposed to customer service.

Airport – Any area of land or water designated, set aside, used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas designated, set aside, used, or intended for use, for airport buildings or other airport facilities, rights-of-way, or approach zones, together with all airport buildings and facilities located thereon.

Amusement park – A commercially operated park with various devices for entertainment and booths for the sale of food and drink.

Ancillary use – A use designed to serve the occupants and patrons of the principal permitted uses within the building. No separate access from the exterior building shall be permitted with respect to this use. See Article 03-02. of this UDC for more information on ancillary uses.

Animal grooming service – Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.

Arena and stadium – A commercial structure with tiers of seats rising around a field or court, intended to be used primarily for the viewing of events. Sports arena may also be used for entertainment and other public gathering purposes, such as conventions, circuses, or concerts.

Art gallery – A room or structure in which original works of art or limited editions of original art are bought, sold, loaned, appraised, or exhibited to the general public.

Art studio – Work space for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft.

Assisted living – A senior residence assisted by congregate meals, housekeeping, and personal services for persons who have difficulties with one or more essentials of daily living, but for whom full-time professional medical care is unnecessary.

Athletic courts and fields – Areas, whether indoors or outdoors, for training or athletic events. Such areas include, but are not limited to baseball fields, basketball courts, tennis courts, racquetball courts, and other similar uses.

Auditorium – A building or structure designed or intended for use for the gathering of people as an audience to hear music, lectures, plays, and other presentations.

Automobile dealership – A retail business primarily housed in a structure and characterized by a mixture of related uses upon a commercial site; however, the principal use of the site shall be the marketing of new or used automobiles, whether by sale, rent, lease, or other commercial or financial means. Secondary supporting uses may also exist upon the same site, such as maintenance, repair and service areas, parts storage areas, and financial service areas.

Automotive detailing shop – A facility which provides automobile-related services including, but not limited to applying paint protectors, interior and exterior cleaning and polishing as well as installation of aftermarket accessories such as tinting, auto alarms, spoilers, sunroofs, headlight covers, and similar items. However, engine degreasing or similar automobile cleaning services shall not be included under this definition.

Automotive retail supply – The use of any building, or portion thereof, for the display and sale of new parts, tires and accessories for automobiles, panel trucks or vans, trailers, or recreation vehicles.

Bakery – An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service.

Banquet facility – An establishment used by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations.

Bar – An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

Barber or beauty shop – A place of business wherein barbering and/or cosmetology services are provided including hair care, nail care, or skin care.

Batching plant – A plant for the manufacture or mixing of concrete, asphalt, cement, and/or cement products, including any apparatus and uses incident to such manufacturing and mixing.

Blacksmith shop – An establishment involved in the creation of objects from iron or steel by forging metal.

Boat (and marine supply) storage, charter, repair, sale – Any establishment who provides for the storage, charter, repair, and/or sale of boats and similar vessels.

Botanical garden – A public or private facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables, or ornamental plants.

Bowling center – An establishment that devotes more than 50% of its gross floor area to bowling lanes, equipment, and playing area.

Brewery – Any establishment that brews ales, beers, meads, and/or similar beverages on site. Breweries are classified as a use that manufactures more than 15,000 barrels of beverage (all beverages combined) annually. In addition, uses that manufacture 15,000 barrels of beverage or less, but which do not meet one or more of the additional requirements needed to be considered brewpubs, are breweries.

Brewpub – A restaurant that prepares handcrafted natural beer as an accessory use intended for consumption on the premises. Production capacity shall be limited to not more than 5,000 barrels per year. Such accessory use may occupy up to 30% of the gross floor area of the restaurant.

Broadcasting studio – Commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings.

Camping facility – Any land and associated structures for camping, lodging, swimming, picnicking, boating, fishing, hiking, and wildlife observation facilities and customary service facilities necessary to provide the direct support for such activities consolidated to camping facility. This use does not include hotels/motels or mobile home parks.

Car wash – Mechanical facilities for the washing, waxing or vacuuming of private automobiles, light trucks and vans, but excluding heavy trucks and buses.

Car wash, industrial – Mechanical facilities for the washing, waxing, and vacuuming of heavy trucks and buses.

Car wash, self-service – A car wash wherein the customer provides labor and where no self-propelled wash racks are provided.

Cemetery – Land used or intended to be used for internment of the dead and dedicated for such purposes, including columbaria, mausoleums, urn gardens, necessary sales and maintenance facilities.

Check cashing facility – A person or business that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. Check cashing facility does not include a state or federally chartered bank, savings association, credit union, or industrial loan company. Check cashing facility also does not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks or issue money orders for a minimum flat fee not exceeding \$2.00 as a service that is incidental to its main purpose or business.

Church and other place of worship – A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. Includes synagogue, temple, mosque or other such place for worship.

Club – Buildings and facilities, owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, to which membership is required for participation and not primarily operated for profit.

Coffee shop – An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.

Coffee shop, drive-thru – An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold and customer orders may be by means of a window designed to accommodate automobile traffic.

Commercial service facility – Retail establishments that primarily render services rather than goods. Such services may include but not be limited to copy shops, printing services, package and postal services, janitorial services, and similar operations.

Community center – A place, structure, area, or other facility used for and providing religious, fraternal, social or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Conditional use – Uses which are not allowed as a matter of right within a zoning district. Conditional uses are those uses where analysis and judgment of the consequences of each development and use is necessary to preserve and to promote the public health, safety, and general welfare.

Correctional institution – A facility for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, jail, and prison. These facilities house prisoners who are in the custody of city/county/law enforcement and the facilities are typically government owned.

Cultivation and sale of plant crops, commercial vegetable and flower gardening as well as plant nurseries and greenhouses – A farm, garden, cultivated land, or building together with

accessory structure designed and intended to be used only for the cultivation and sale of live vegetation including flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products.

Day care center – A facility providing care for (1) the elderly and/or functionally impaired adults (18 years of age or older); or (2) five (5) or more children under the age of 13, not including children of a family residing on the premises, for any part of a 24 hour day.

Day care home – A single family residence where an occupant of the residence provides care and supervision of adults or children for any part of the 24 hour day. For child day care homes, care shall be given to a maximum of 12 children, including children related to the day care provider, for any part of a 24 hour day.

Device for Energy Generation – Devices for the generation of energy, such as solar panels, wind generators, and similar devices as an accessory use.

Dormitory – A dwelling containing sleeping rooms without separate cooking facilities for a number of persons customarily unrelated but associated with an educational, religious, charitable or service institution.

Drug store and pharmacy – An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

Drug store and pharmacy, drive-thru – An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies in part, by means of a window designed to accommodate automobile traffic.

Dry cleaning establishment – An establishment which launders or dry cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere.

Dry cleaning establishment, drive-thru – An establishment which launders or dry cleans articles dropped off in part, by means of a window designed to accommodate automobile traffic, directly by the customer or where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere.

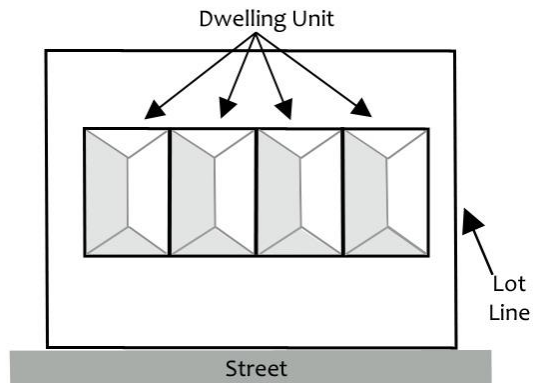
Dry cleaning plant – A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort, and the processes incidental thereto.

Dwelling – Any building, or portion thereof, used exclusively for human habitation, except hotels, motels, or mobile homes.

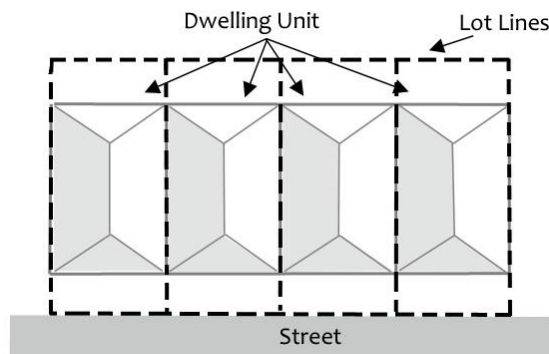
Dwelling unit – A room or group of rooms located within a structure forming a habitable unit for one (1) family.

Dwelling, employee – Units only for watchmen, caretakers, or other personnel whose residence on the premises is essential to the operation of the primary use.

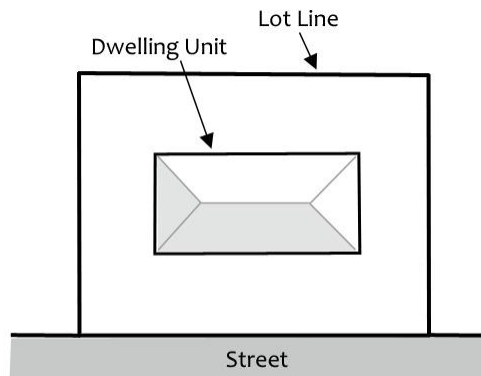
Dwelling, multiple family – A building or portion thereof designed for or occupied exclusively by two (2) or more families.



Dwelling, single family attached – Two (2) or more single-family dwellings sharing common wall areas, each on its own individual lot.



Dwelling, single family detached – A detached building, on a single lot, containing one (1) dwelling unit.



Education facility, college/university – An institution other than a trade school that provides full-time or part-time education beyond high school.

Education facility, kindergarten or nursery school – A school or class for children generally under the age of six (6).

Education facility, primary/secondary – A public, private, or parochial school offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the state.

Education facility- specialized private school – An institution for students at the elementary, junior or senior high level who have physical or mental characteristics which require specialized or individual instruction.

Education facility- vocational school – A secretarial school or college, or business school or college, when not public and not owned or conducted by or under the sponsorship of a religious or charitable organization; school conducted as commercial enterprise for teaching instrumental music, dancing, barbering, or hairdressing, or for teaching industrial skills in which machinery is employed as a means of instruction only within buildings.

Education facility- vocational school, outdoor training – A secretarial school or college, or business school or college, when not public and not owned or conducted by or under the sponsorship of a religious or charitable organization; school conducted as commercial enterprise for teaching instrumental music, dancing, barbering, or hairdressing, or for teaching industrial skills in which machinery is employed as a means of instruction, whether indoors or outdoors.

Extraction / processing of raw materials – Any establishment primarily engaged in the process of the removal of physical matter in a solid, liquid, or gaseous state from its naturally occurring location, and the processing of said materials.

Fairground – An area of land use including but not limited to: agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, theaters. Such county fairs, exhibitions, and shows do not include racetracks or motorized contests of speed.

Farmers market – An occasional or periodic market held in an open area or in a structure where groups or individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.

Farming – The growing of crops, plants, and trees. The term also includes the maintaining of horses, livestock, or poultry for the residents' needs or use and the sale of agricultural products grown on the premises, plant crops or domestic animals.

Filling station and convenience store – A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience market or supermarket.

Film drop-off and pick-up station – An establishment or business maintained for the drop-off and pick-up of film without the maintenance or operation of any film processing equipment or machinery on the premises.

Film processing plant – A building, portion of a building, or premises used or intended to be used for the development of film.

Financial institution – An establishment where the principal business is the receipt, disbursement or exchange of funds and currencies, such as: banks, savings and loans, or credit unions.

Financial institution, drive-thru – An establishment where the principal business is the receipt, disbursement or exchange of funds and currencies (such as: banks, savings and loans, or credit unions) and including provisions for the conduct of banking services directly to the occupants of motor vehicles.

Golf course – A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, and shelters as accessory uses.

Grocery, community – A retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies at least 5,000 square feet but not more than 25,000 square feet of gross floor area.

Grocery, neighborhood – A retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies less than 5,000 square feet of gross floor area.

Grocery, supercenter – A retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies more than 25,000 square feet of gross floor area.

Group Home – A single family dwelling or single family residence in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

Group residential facility – An establishment qualified for a license by the state which provides resident services to children or adults of whom one or more are unrelated. The individuals may be handicapped, aged, or disabled, are undergoing rehabilitation or extended care, and are provided services to meet their needs.

Gymnasium – A building or portion thereof used for athletic training or sports activities, including accessory seating for spectators.

Harbor, marina, and dock for water-borne vehicles – A dock or basin where slips, moorings and often supplies, repairs, and other services are available for craft.

Heliport – Any landing area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

Highway department garage – A facility used by the Highway Department for the storage and maintenance of vehicles used by the Highway Department.

Historic sites or buildings – Sites or buildings with a Historic Designation as detailed elsewhere in this UDC.

Home occupation – Any activity conducted by a resident within a dwelling for financial gain which is incidental to, and clearly subordinate to, the residential use of the property. A home occupation has no employee that is not a resident on the premises, has no retail sales (except for goods and services produced on the premises) and occupies no more than 25% of the residence including the basement and attached garage.

Hospice – Any coordinated program of home care with provision for inpatient care for terminally ill patients and their families. This care is provided by a medically directed interdisciplinary team, directly or through an agreement under the direction of an identifiable hospice administration. A hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of patients and their families, which are experienced during the final stages of terminal illness and during dying and bereavement.

Hospital – An institution providing medical and surgical care for humans only, for both inpatients and outpatients, including medical service, training, and research facilities.

Hotel and motel – An establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service for transient occupancy. Related ancillary uses may include but shall not be limited to conference and meeting rooms, restaurants, bars, and recreational facilities.

Hotel and motel, extended stay – A building or structure intended as, used as, maintained as, or advertised as a place where sleeping accommodations are furnished to the public as regular roomers, primarily for periods of one week or more.

Incinerator – A plant designed to burn waste, often producing power as a by-product but primarily for disposal.

Independent living – A senior residence providing no regular assistance to residents either with activities of daily living or with daily medical needs.

Individual sewage treatment facility – Facilities serving an individual dwelling or non-residential use, as approved by the appropriate regulatory agency.

Industrial sales, service, and storage – Establishments providing industrial sales, services, repairs, and storage to individuals or businesses. This classification includes metal, machine, and welding shops; cabinetry and woodworking shops; furniture upholstery shops; and similar business engagements in custom fabrication and repair.

Junk/salvage yard – Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, including but not limited to materials such as scrap metals, paper, rags, tires, and bottles.

Kennel, boarding – The use of land or building for the purpose of boarding or keeping of five (5) or more dogs over four (4) months in age and not owned by the proprietor, or the boarding or keeping of six (6) or more cats over four (4) months of age and not owned by the proprietor or the keeping or boarding of a combination of six (6) or more dogs and cats which are sheltered, fed, and watered in return for a consideration.

Kennel, private – A private kennel is defined as:

- (1) The use of land or building for the purpose of selling and breeding of five (5) or more dogs over four (4) months in age or six (6) or more cats over four (4) months in age, or a combination of six (6) or more dogs and cats.
- (2) The word selling as herein used shall not be construed to include the sale of animals four (4) months of age or younger, which are the natural increase of animals kept by persons not operating a kennel as herein defined; nor shall selling be determined to include isolated sales of animals over four (4) months old by persons not operating a kennel as herein defined.

Laboratory – A facility for analysis of natural resources, medical resources, manufactured materials, or similar items.

Landing strip – An airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests and by commercial aviation activities in connection with permitted uses of the land.

Laundromat – A business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

Library – A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

Livestock, raising and keeping of animals – An agricultural operation where domestic animals are kept for use as part of a farm or raised for sale.

Local public utility facility – A facility owned by any person, firm, corporation, municipal department, or board duly authorized to furnish, and furnishing under state or municipal regulations, to the public services including electricity, gas, steam, communication, telegraph, transportation, or water.

Local public utility facility, over 60 feet in height – A facility over 60 feet in height that is owned by any person, firm, corporation, municipal department, or board duly authorized to furnish, and furnishing under state or municipal regulations, to the public services including electricity, gas, steam, communication, telegraph, transportation, or water. This use does not include telecommunications structures.

Lumberyard – An area used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, but not including the manufacture or fabrication of lumber, lumber products, or firewood.

Mail order sale warehouse – A business establishment that is primarily organized to warehouse and fill requests for merchandise or services through the mail.

Manufacturing, fabrication, assembly, processing, or packaging facility – The use of any building, land area, or other premises or portion thereof used for the manufacture, fabrication, assembly, processing, or packaging of goods. This use does not include:

- (1) Facilities producing or processing explosives or flammable gases or liquids;
- (2) Facilities for animal slaughtering, meat packing, or rendering;
- (3) Sulphur plants, rubber reclamation plants, or cement plants; or
- (4) Steel mills, foundries, or smelters.

Meat packing facility – A building where meat, poultry, or eggs are cooked, smoked, or otherwise processed or packed.

Mobile home park – Any area or tract of land designed for the parking or other type of installation of mobile homes on spaces or lots offered for lease or rent, including all improvements, buildings, structures, recreation areas, or other facilities for the use of the residents of such development.

Mortuary – An establishment in which the deceased are prepared for burial or cremation. The facility may include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings or display of funeral equipment.

Museum – A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use art galleries; associated work and storage areas required by a business, firm, or service to carry on business operations of the primary use; bookstores; educational facilities, including, but not limited to: schools, service facilities, studios, or work areas; employee cafeterias; offices; outdoor art displays (said displays must be related to the use of the property, but must not be utilized for advertisement); parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of 72 hours; and the sale of goods to the public.

Newspaper stand – A temporary structure, manned by a vendor that sells newspapers, magazines, and other periodicals.

Nursing home – A building intended for use as a medical care facility for persons who need nursing care and medical service, but do not require intensive hospital care. A nursing home may also include some assisted and independent living uses.

Office, dental – A room, suite of rooms, or building operated by one or more licensed dentists for the examination and treatment of persons solely on an outpatient basis.

Office, general – A room, suite of rooms, or building in which a person transacts the affairs of a business, profession, service, industry, or government.

Office, medical – A room, suite of rooms, or building used by one or more physicians, chiropractors, nurses, or similar personnel for the examination and treatment of persons solely on an outpatient basis.

Oil change facility – Operations that provided lubrication and/or checking, changing, or additions of those fluids and filters necessary to the maintenance of a vehicle. It is intended that these services will be provided while customers wait, generally within a 15- to 20-minute time period.

Pawnshop – Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

Permitted use – A use allowed in the zoning district in which it is listed, subject to compliance with the dimensional requirements, development standards, and any other special requirement of the zoning district and the general requirements of this UDC.

Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facility – Any establishment that includes the retail sale, repair service, and/or warehousing of equipment for a plumbing, electric, air conditioning, or heating business.

Professional and technical service facility – An establishment where work is done for others, predominately on the premises of the office, by someone trained and engaged in such work for a career; e.g. lawyers, accountants.

Public safety facility – A government facility for public safety and emergency services, including a facility that provides police or fire protection and related administrative facilities.

Railroad switching yard – An area that contains equipment enabling railway trains to be guided from one track to another.

Reading room – A public or private facility for the use and sale of literary, musical, artistic, or reference materials.

Recreation facility – Any establishment whose main purpose is to provide the general public with an amusing or entertaining activity. Includes, but not limited to, skating rinks, water slides, miniature golf courses, arcades, tennis courts, swimming pools, billiard halls, and fitness center but not movie theaters.

Research facility – A structure or complex of structures designed or used primarily for research development functions related to industry and similar fields of endeavor.

Restaurant, fast food – An establishment engaged primarily in the business of preparing food and purveying it on a self-serve or semi self-serve basis. Customer orders and/or service are generally by means of a walk-up counter. Consumption may be either on or off the premises.

Restaurant, sit down – An establishment maintained, operated, and/or advertised or held out to the public as a place where food and beverage are served to the public on demand from a menu during stated business hours, served in and on reusable containers and dinnerware, to be consumed on the premises primarily inside the building at tables, booths, or counters, with chairs, benches, or stools.

Retail sales establishment, community – Retail shops and stores (excluding autos, boats, machinery, groceries, etc.) such as apparel, books, hardware, jewelry, paint, sporting goods, and electronics having between 4,000 square feet and 25,000 square feet of floor space.

Retail sales establishment, neighborhood – Retail shops and stores (excluding autos, boats, machinery, groceries, etc.) such as apparel, books, hardware, jewelry, paint, sporting goods, and electronics having 4,000 square feet or less of floor space.

Retail sales establishment, regional – Retail shops and stores (excluding autos, boats, machinery, groceries, etc.) such as apparel, books, hardware, jewelry, paint, sporting goods, and electronics having more than 25,000 square feet of floor space.

Retail sales, outdoor – The placement of goods for sale or for advertisement, outside of the building or structure, including but not limited to garden supplies, tires, motor oil, and clothes but not including vending machines.

Retreat center – A facility which is operated by a nonprofit organization, provides opportunities for small groups of people to congregate temporarily on a site for such purposes as education, enlightenment, contemplation, renewal, or solitude; and by its nature needs to be located in a quiet, sparsely populated, natural environment.

Riding stable – A building and designated site, whether indoors or outdoors, intended or used as a shelter for horses or ponies, which provides for commercial boarding, hire, sale, or training of such animals.

Sales yard operated by a church, school, or other not-for-profit organization – The use of any building, land area, or other premises or portion thereof, operated by a church or other place of worship, school, or not-for-profit organization for the outdoor sale and display of items for sale.

Sanitary landfill – A disposal site and related facilities at which the method of disposing non-hazardous solid waste is by landfill.

Self-storage facility – A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses.

Sewage system – A wastewater treatment system, approved by the appropriate county, state, city, or federal agencies, which provides collection networks and a central wastewater treatment facility.

Sheet metal shop – Any establishment involved in the fabrication of sheet metal products on the premises.

Shooting range, indoor – The use of a structure for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

Shooting range, outdoor – The use of any building, land area, or other premises or portion thereof for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

Solid waste, compost facility – A site that has been approved by the city, county, and the state pollution control agency for the storage, transfer, or composting of specifically identified types of solid waste materials.

Solid waste, facility – Establishment for the disposition of unwanted or discarded material, including garbage with insufficient liquid content to be free flowing.

Solid waste, transfer facility – A facility that receives primarily solid waste materials, from commercial vehicles for the purpose of storing and handling prior to transferring to another facility.

Stable, private – An accessory structure or land use that is designed, arranged, used, or intended to be used for the keeping of equines for the private use of the occupants of a principle dwelling and their guests, but in no event for hire. This use includes an indoor riding arena.

Steel mill, foundry, and smelter – The use of any building, land area, or other premises or portion thereof, engaging in the milling, foundry, or smelting of steel.

Substance abuse facility, inpatient – Structures and land used for the treatment of alcohol or other drug abuse where one or more patients are provided with care, meals, and lodging.

Substance abuse facility, outpatient – Structures and land used for the treatment of alcohol or other drug abuse where neither meals nor lodging is provided.

Sulfur, cement, or rubber reclamation plants – Any plant engaged in the reclamation of sulfur, cement, and/or rubber.

Tackle and bait shop – The use of any building, land area, or other premises or portion thereof engaged in the retail sale of tackle supplies and/or bait for fishing.

Tattoo parlor / body piercing studio – An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Theater, indoor – A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

Theater, outdoor – An establishment with open air seating devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

Tow yard – An outdoor storage facility for the temporary storage of towed vehicles.

Transit storage yard – The use of any building, land area, or other premises or portion thereof, whether inside or outside, for the storage, maintenance, and repair of vehicles and equipment used for public or private transit service.

Transit transfer station – The property, equipment, and improvements of whatever nature owned, used, constructed, maintained, controlled, or operated to provide mass transportation for passengers or to provide for the movement of people, including park-and-ride stations, transfer stations, parking lots, malls, and skyways.

Trucks, trailers, construction equipment, agricultural equipment sales, rental, leasing, outdoor storage – The use of any building, land area, or other premises or portion thereof used for the sale, rental, leasing, or outdoor storage of trucks, trailers, construction equipment, or agricultural equipment.

Use – The purpose for which a building, lot, sign, or other structure is arranged, intended, designed, occupied, or maintained.

Vehicle repair and services facility – A facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting.

Veterinary clinic – An establishment for the care and treatment of the diseases and injuries of animals and where animals may be boarded during their convalescence.

Warehouse, wholesale or storage- general – A use engaged in storage and transporting manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

Warehouse, wholesale or storage- live animals, explosives, or flammable gases and liquids – Any establishment that includes transporting or storage of manufactured commodities, live animals, explosives, or flammable gases and liquids.

Welding shop – Any establishment involved in the joining of materials, primarily metals by applying heat, sometimes with pressure and sometimes with an intermediate or filler metal having a high melting point.

Wildlife reservation and conservation project – Lands that contain significant food, water, or cover for native terrestrial and aquatic species of animals. Examples include forests, fields, riparian areas, wetlands, and water bodies. Conservation projects: A project designed for the management of natural resources to prevent waste, destruction, or degradation.

Yard for storage of contractors' equipment, materials, and supplies – Storage yards operated by, or on behalf of, a contractor for storage of large equipment, vehicles, or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities.

Zoological garden – An area, building, or structures which contain wild animals on exhibition for viewing by the public.

Sec. 10-04. SIGNAGE TERMS

Attention-getting device – A balloon, banner, beacon, festoon, pennant or other similar object erected on a site to draw attention to that particular site, business, or activity. For additional information, see definitions for balloon, festoon, and pennant.

Balloon – Any nonporous bag of light material filled with heated air, a gas lighter than air, or with continuous airflow so as to be inflated whether it floats in the air or is inflated and remains on the ground. For the purposes of these regulations, a balloon devoid of characters, letters, symbols or illustrations shall be considered a sign.

Banner – Any temporary sign of light-weight fabric or similar material that is mounted to a pole or building at one or more edges. National flags, state or municipal flags, official flags of any institution or business, or subdivision promotion flags shall not be considered banners. See also sign, street banner.

Beacon – Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same premises as the light sources.

Billboard – A sign structure advertising a commercial enterprise, product, service, industry or other activity not conducted, sold, or offered on the same premises on which the sign is erected.

Commercial message – Any sign wording, logo, or other graphic representation that, directly or indirectly, identifies, advertises, or calls attention to a business, product, service, or other commercial activity.

Electronic message center – A sign whose alphabetic, graphic, or symbolic informational content can be changed or altered on a fixed display surface, composed of electrically illuminated or mechanically-driven changeable segments either by means of pre-programming or by computer-driven electronic impulses. Also see sign, changeable copy (automatic).

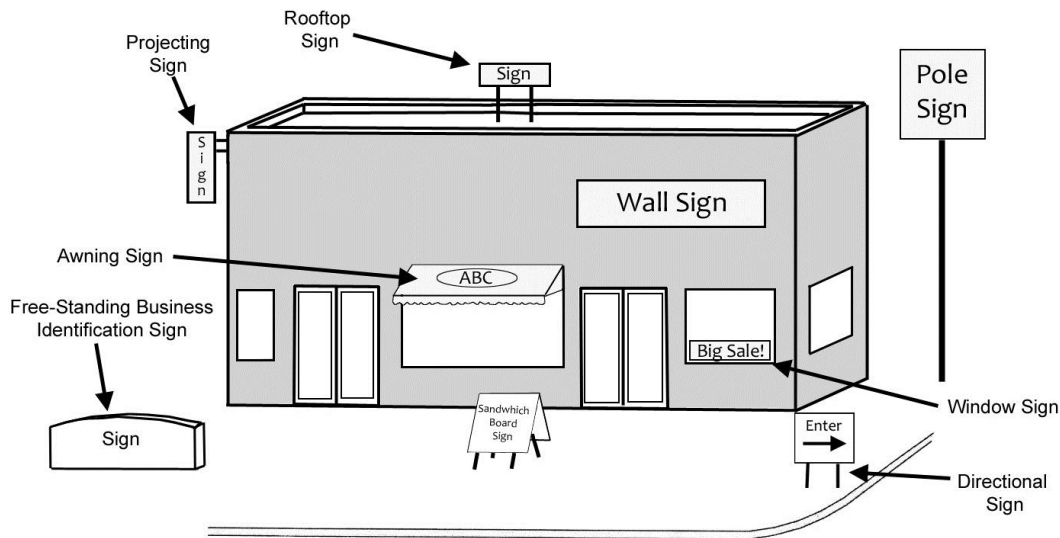
Festoon – A string of ribbons, tinsel, small flags or pinwheels used primarily to gain attention. See also pennant.

Graphic representation – A written or pictorial likeness or image.

Now hiring banner – A banner announcing the initial hiring period for a newly established business, not yet open or having been open for 30 days or less.

Pennant – Any light-weight fabric, or other material suspended from a rope, wire, or string, designed to move in the wind for the purpose of gaining attention.

Sign – Any device, structure, fixture, or placard that uses any graphics, symbols, written copy, and/or illumination to advertise, direct, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.



Sign illumination – Any artificial light source incorporated internally or externally for the purpose of illuminating a sign.

Sign Package – A comprehensive, complementary and unified plan for signage throughout a single development or contiguous lots under common ownership.

Sign permit – A license to proceed with erecting, constructing, posting, altering, enlarging, maintaining, or relocating a sign.

Sign structure – Any structure which supports, has supported, or is capable of supporting a sign including decorative cover.

Sign, abandoned – A sign which no longer is utilized to identify, direct, or otherwise advertise a bonafide business, lessor, service, owner, product, or activity and/or which no legal owner can be found. A sign that is in disrepair or has not been maintained by the owner in such a fashion that is unsafe, unsound, or can no longer be read from a reasonable distance as a result of failure to have been maintained.

Sign, accessory – A sign relating to an accessory use on a lot or development that provides on-site directional information to pedestrians or motorists. Also see sign, incidental.

Sign, advertising – A sign intended to attract general public interest concerning a commercial enterprise, product, service, industry, or other activity not conducted, sold or offered on the same premises upon which the sign is erected. Also see billboard and sign, off-premise.

Sign, animated – Any sign which includes action or motion. This term does not refer to flashing or changing, all of which are separately defined.

Sign, awning / canopy – A sign painted on, printed on, or otherwise affixed to the surface of an awning, canopy or similar structural protective cover over a door entrance, window or outdoor service area.

Sign, background area – The entire area of a sign on which copy could be placed, but does not include a permanent building surface.

Sign, board – Any freestanding sign made from plywood, particle board, masonite or any other type of sawed lumber material.

Sign, changeable copy – A sign or portion thereof whose characters, letters, illustrations or other informational content can be changed, altered, or rearranged by manual or automatic means.

Sign, changeable copy (automatic) – A sign whose characters, letters, illustrations, or other informational content can be changed, altered, or rearranged by electronic or mechanical means. A time and temperature and date sign, electronic message center or reader board, and stock market sign are considered automatic changeable copy signs.

Sign, changeable copy (manual) – A sign whose characters, letters, illustrations, or other informational content can be changed, altered, or rearranged by manual means.

Sign, construction – A temporary sign used during construction of new buildings or reconstruction of, or additions to existing buildings, which identifies the project and denotes the owner, architect, engineer, contractor, material supplier and/or financing institutions for the project on which the sign is located.

Sign, directional (off-premises) – An off-premises sign giving directions, either written or symbolic, or other instructions, but no advertising copy. Also see sign, subdivision direction (residential).

Sign, directional (on-premises) – An on-premises sign identifying entrances, exits, aisles, ramps and other similar traffic-related information or instructions.

Sign, directory – A permanent business sign intended for customer convenience, direction and safety which identifies a building, office park, or industrial park by name/address and includes tenant names/locations.

Sign, display house promotion – A temporary sign intended to inform the general public about a particular display house in a developing subdivision.

Sign, face of – The entire area of a sign on which copy could be placed irrespective of structural supports. The area of a sign which is visible from one direction as projected on a plane.

Sign, flashing – Any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted light source. Automatic changing signs such as public service, time and temperature, and date signs, stock market or electronically controlled message centers are classified as flashing signs. Also see also sign, animated

Sign, flat or wall – A sign attached directly to the wall of a building which is in the same plane as the face of the wall with the maximum space between the sign and the face of the wall to be six (6) inches.

Sign, freestanding – Single or double faced sign placed upon or supported by the ground independent of any building or structure; including pole or pylon signs and monument signs.

Sign, future use of site – A sign announcing the future development of a site permitted by the regulations of a particular zoning district in which the site is located or by an approved special procedure.

Sign, height of – The vertical distance measured from the existing finished grade adjacent to the sign or the elevation of the adjacent street, whichever is higher, to the highest point of the sign.

Sign, identification – A sign whose copy is limited to the names, logo, occupation, and/or address of a building occupant, subdivision, or development project.

Sign, illegal – A sign which contravenes this UDC or a non-conforming sign for which a permit required under a previous ordinance was not obtained.

Sign, incidental – A sign, generally informational, that has a purpose solely accessory to the use of the lot on which the sign is located. No sign with a commercial message legible or apparent from off the lot on which the sign is located shall be considered incidental.

Sign, information – A sign which identifies a residence, a non-commercial activity, or conveys cautionary information. Also see sign, public information.

Sign, living or human – A living or human sign is a sign held by or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service or product. This can also include a person dressed in costume for the purposes of advertising or drawing attention to an individual, business, commodity, service or product.

Sign, mailbox – A business identification sign expressly for the Commercial Service Procedure not to exceed 18 inches by 24 inches in sign face area.

Sign, menu board – A sign which lists the assortment of offerings that may be ordered at a restaurant via the drive-thru lane.

Sign, monument type – A freestanding sign attached to a proportionate base, integrated planter or structural frame, the width of which shall be a minimum of one-half (1/2) the width of the widest part of the sign face.

Sign, non-conforming – A sign which existed lawfully whether by variance or otherwise, on the date this Unified Development Code or any amendment thereto became effective, and which fails to conform to one or more of the applicable regulations of this Unified Development Code or such amendment thereto.

Sign, non-conforming (illegal) – A sign which fails to conform to one or more of the applicable sign regulations or amendments thereto and was erected unlawfully on the date this Unified Development Code or any amendment became effective.

Sign, non-conforming (legal) – A sign which existed lawfully on the date that this Unified Development Code or any amendment thereto became effective and which fails to conform to one or more of the applicable sign regulations or amendments thereto.

Sign, off-premise – A sign advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located. Also see billboard and sign, advertising.

Sign, pole or pylon – A freestanding sign supported by uprights, braces, columns, poles, or other vertical members which are not attached to a building and where the bottom edge of the sign face is located three (3) feet or more above the average grade at the base of the sign.

Sign, political – Any sign which is designed to influence the action of the voters for the passage or defeat of a measure appearing on the ballot at any national, state, or local election or which is designed to influence the voters for the election or defeat of a candidate for nomination or election to any national, state or local level.

Sign, portable – Any sign not permanently attached to the ground, building, or other permanent structure, or a sign designed to be transported by means of wheels and signs attached to or painted on vehicles parked and visible from the public right-of-way unless said vehicle is used in the normal day-to-day operations of a business.

Sign, project identification – A permanent, freestanding sign located at the main entrance to a commercial or industrial development which is in excess of 20 acres in size. Also see sign, directory.

Sign, projecting – Any sign, other than a flat or wall sign, affixed to a building or wall in such a manner that its back edge extends more than six (6) inches beyond the surface of such building or wall.

Sign, public information – A sign used for public events, promotion of civic causes or activities or charitable or not-for-profit purposes.

Sign, real estate – A temporary on-premises sign pertaining to the rental, lease, or sale of real property.

Sign, roof – A sign erected on, over or above the roof line of a building.

Sign, roof (integral) – Any sign erected or constructed as an integral or essentially integral part of a normal roof structure, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the roof by a space of more than six (6) inches.

Sign, sandwich board – Two (2) sign board faces, usually hinged, placed on the ground which is used primarily for advertising purposes.

Sign, street banner – A temporary sign composed of light-weight fabric or similar material attached to a pole or street light by means of a rigid frame at one or more edges.

Sign, subdivision direction (residential) – A temporary sign intended to direct the general public to a residential subdivision under development.

Sign, subdivision identification – A permanent freestanding or wall sign identifying a legal subdivision or development.

Sign, subdivision promotion – A temporary sign intended to inform the general public about a residential subdivision under development.

Sign, temporary – A sign which is intended or contracted for a time of limited duration not exceeding twelve (12) months.

Sign, temporary, development related – Construction signs, future-use-of-site signs, and subdivision promotion signs.

Sign, wall – Any sign attached parallel to, and with its back within six (6) inches of, a wall, painted on the wall surface of, or erected and confined within the outside limits of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

Sign, window – Any sign, including paint, placed inside a window or upon the window panes or glass that is visible from the exterior of the window.

Sec. 10-05. LANDSCAPING AND TREE PRESERVATION TERMS

Afforestation – The conversion of open land into forest through tree planting.

Buffer strip – A strip of land with natural or planted vegetation intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.

Buffer, measurement of - When adjacent to road rights-of-way, buffer areas shall be measured from future rights-of-way.

Caliper – The diameter of the trunk of a young tree less than four (4) inches in diameter; measured at six (6) inches above natural grade.

Canopy tree – Deciduous trees that have a minimum height of 30 feet at maturity.

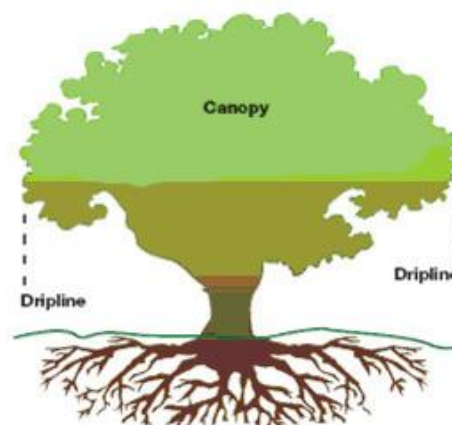
City's Tree Specialist – A Tree Specialist retained by the City to review tree protection and preservation issues at the City's request.

Critical root zone (CRZ) – The area of tree roots within the crown drip line. This zone is generally defined as the area underneath a tree's canopy, extending from the tree's trunk to a point no less than the furthest crown drip line.



Diameter at breast height (DBH) – The diameter of the trunk of a tree, in inches of diameter, measured at breast height four and one half (4.5) feet above the original soil or natural grade. If a tree forks or separates into two (2) or more trunks below four and one half (4.5 feet), then the trunk is measured at its narrowest point below the fork.

Drip line – The location on the ground which is just below the outer extent of the tree branches.



Green space preservation area – An area designated within a proposed development within which all existing healthy trees, vegetation, stream corridors, soil grade and any existing or additional landscape plantings are to be permanently protected and preserved. No structures or paving are permitted in a green space preservation area.

Grove – A group of trees similar in species or size and significant enough to be given special attention. See also Monarch tree stand.

Invasive Plant – A vegetation species that grows aggressively in the State of Missouri, as listed by the Missouri Department of Conservation.

Landscape buffer – An area of landscaping separating two (2) land uses, or a land use and public right-of-way, and acts to soften or mitigate the effects or impacts of one land use on the other.

Limit of disturbance – A line that identifies the location on the ground where fencing will be installed to protect trees from clearing, grading, soil filling, storage of materials, parking of vehicles, utility installation or other construction activity of any kind.

Monarch tree – Any tree shall be classified as a monarch tree if it meets two (2) or more of the following conditions:

- (1) It is a rare or unusual species, or
- (2) It is of exceptional quality, or
- (3) It has historical significance, or
- (4) It will be specifically used as a focal point in a project or landscape.
- (5) Small trees (dogwood, redbud, serviceberry, etc.) measuring at least 12" DBH, or
- (6) Medium/large trees (Pine, Oak, Maple, etc.) measuring at least 20" DBH.

Monarch tree stand – A contiguous grouping of at least eight (8) trees which have been determined to be of high value or comprised of monarch trees. Determination is based upon the following:

- (1) A relatively mature even aged stand of trees, or
- (2) A stand of trees with a purity of species composition, or
- (3) A stand of trees which is rare or unusual in nature, or
- (4) A stand of trees with historical significance, or
- (5) A stand of trees with exceptional aesthetic quality or size that is a principle feature of a site.

Native Plant – A vegetation species that existed prior to the arrival of settlers within the State of Missouri, as listed by the Missouri Department of Conservation.

Natural area – An area that is substantially undisturbed by development.

Noxious Weed – A vegetation species that is listed as a Missouri State Noxious Weed by the United States Department of Agriculture.

Nuisance Plant – Toxic species known to cause death or severe allergic reactions among a segment of the human population, such as Poison Hemlock, Poison Ivy, and Ragweed.

Ornamental tree – A small highly visual tree species that can attain a mature height of 20-35 feet.

Public tree – Any tree located on City-owned or controlled property including parks, street right-of-ways, parkways, public facilities, etc.

Street tree – Any tree that is currently located or proposed for planting as part of the row of trees required along streets or highways.

Tree – A woody plant that grows mostly upright with a single or multi-stem that may eventually attain a height of 15 feet or more.

Tree canopy – The upper portion of a tree or trees made up of branches and leaves.

Tree canopy coverage – The area in square feet of a tree's spread. Existing tree canopy is determined by measuring the ground's surface area that is covered by the branch spread of a single tree or clump or grove of trees. When trees are relatively close together, but the branches are not touching, the general area covered by this group can be used to determine the area of tree canopy coverage.

Tree disturbance – Includes the intentional, unintentional or negligent removal, destruction, or killing of any tree, or causing the loss of the tree canopy coverage or critical root zone of individual trees or group of trees.

Tree mass – A grouping of three (3) or more trees whose canopies intertwine or overlap.

Tree protection area – The area above ground necessary to protect the Critical Root Zone including the trunk and scaffold branches of a tree.

Tree Preservation Plan (TPP) – A plan that delineates areas where trees are to be saved and details measures to be taken to ensure protection and survivability of trees to be saved, prior to and during construction, in accordance with Article 04-02 of this UDC.

Tree specialist – A person who meets one of the following criteria:

- (1) Arborist/Certified Arborist: A person who is a full-time owner or employee of a commercial tree service with at least five (5) years of field experience or a person who is certified through the International Society of Arboriculture.
- (2) Forester/Certified Forester: A person with a degree in forestry and at least five (5) years of field experience or a person certified through the Society of American Foresters.

Tree Stand Delineation (TSD) – A detailed description and location of individual trees, groups of trees, tree covered lots, and forested lands, prepared in map form, as explained in the Tree Preservation and Landscape Requirements.

Tree topping – Drastic removal or cutting back of large branches in mature trees.

Turf Grass – A type of vegetation ground cover, managed by weed removal and mowing to maintain a uniform height.

Turf Weed – Broadleaf weeds, annual and perennial grasses that invade or disrupt the uniformity of turf grass lawns.

Ultimate tree canopy – Ultimate tree canopy is determined by assigning the following area values for planted trees, and the tree sizes may be used in combination to attain the necessary density for tree planting.

- (1) Large Tree — 400 sq. ft.
- (2) Medium Tree — 300 sq ft.
- (3) Small Tree — 200 sq. ft.

Understory tree – Deciduous trees that have a maximum height of less than 30 feet at maturity.

Wooded area – Five thousand (5,000) sq. ft. or more of tree canopy coverage and where the tree canopy is primarily comprised of trees equal to or larger than five (5) inches in DBH. The 5,000 sq. ft. may be in a single grouping or comprised of several single trees or groupings of scattered trees in old yards or old fields, as well as land with thick tree cover or forested lands. The 5,000 sq. ft. need not be contiguous.

Sec. 10-06. ARCHITECTURAL TERMS

Architectural or building elevation – The perimeter vertical surface of a building.

Awning or canopy – A structure partially or entirely supported by or attached to a wall and which is covered by canvas, cloth, plastic or other similar temporary material, used as a protective cover for a door entrance, window, or outdoor service area.

Compatible – A relative term which requires the analysis of site, building, and landscape design in relationship to adjacent development. Compatibility is established when there are consistent design and functional relationships so that rehab and new development complements the existing or adjacent development. Achieving a compatible design does not require the imitation or repetition of the site, building and landscape design of adjacent development.

Complementary – Site design, building design, and landscape design are achieved when the proposed design responds to, or contributes to, the existing land use patterns, character, and zoning context. Complementary development does not necessarily mean the imitation or replication of adjacent development.

Façade – That portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or to the eaves and the entire width of the building elevation.

Massing – The architectural relationship--proportion, profile, and contour among the various masses or volumes of a building or landscape. The mass of a building is defined by the roof, walls and floor. It may be a simple box form, but more often it is a composite of various forms. Plant massing can be used to create architectural forms as can site elements in the landscape

such as screens, canopies, barriers, floors, pavements and ground surfaces. These can be used to define edges of open spaces and/or directional movement.

Parapet – The extension of a wall or other architectural facade above the roof-line.

Proportion – The ordered relationship of bulk, massing and scale in building design so as to create a harmonious relationship between the parts, and as a whole. Proportion can be used to describe height-to-height ratios, width-to-width ratios, width-to-height ratios, and ratios of massing. Proportion should be evaluated for individual buildings, as well as in relationship to adjacent buildings and groups of buildings.

Rhythm – The flow of design elements in one (1) building or the relationship of design elements in two (2) or more buildings.

Scale – The comparison of the size of one object to another. In building design, scale is created by the articulation of building mass by use of design elements such as projections and recesses, doors and windows, texture and color, to create relationships at many levels in the building design. Examples of different levels of scale which can be created in a building include: human scale, the relationship of the building and its design elements to the size of a human being; the size of building elements in relation to the overall size of the building; the size of a building as a whole in relation to adjacent buildings; and the size of a project in relation to the building site.

Sec. 10-07. LIGHTING TERMS

Direct light – Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Fixture – The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.

Footcandle – A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one candle.

Glare – Direct light emitted by a luminaire that causes reduced vision or momentary blindness.

Illuminance – The level of light measured at a surface.

Lamp – The component of a luminaire that produces the light.

Light pollution – General sky glow caused by the scattering of artificial light in the atmosphere, much of which is caused by poorly-designed luminaires.

Light shield – Any attachment which interrupts and blocks the path of light emitted from a luminaire or fixture.

Light trespass – Light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.

Light-emitting diode (LED) – A p-n junction solid-state diode whose radiated output is a function of its physical construction, material used, and exciting current. The output can be in the IR or in the visible region.

Lighting, intermittent – A method of lighting, such as for signs, where artificial or reflected light is not maintained stationary or constant in intensity or color.

Lumen – A unit of measure of luminous flux.

Luminaire – The complete lighting system, including the lamp and the fixture.

Luminaire full cutoff – A luminaire that allows no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part.

Outdoor light fixture – Outdoor artificial illuminating devices, installed or portable, used for floodlighting, general illumination, or advertisement.

Shielded – A light fixture whose output is controlled in such a manner that a direct view of the light emitting surface from an adjacent property is either minimized or prevented. This control could be as a result of the fixture housing, external or internal control devices (louvers, shields, barn doors, etc.), placement of the luminaire on the subject property, or the combinations of these elements. Shielding may either be full or partial.

Shielded, fully – Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane passing through the lowest point of the fixture from which the light is emitted as certified by a photometric test report.

Shielded, partially – Outdoor light fixtures shielded or constructed so that the lower edge of the shield is at or below the centerline of the light source or lamp so as to minimize light emissions above the horizontal plane.

Temporary outdoor lighting – The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of no more than 30 days, with at least 180 days passing before being used again.

Sec. 10-08. TELECOMMUNICATIONS TERMS

Alternative Support Structure – Vertical components not generally designed for use as antenna support structures including but not limited to structures such as church steeples, light poles and water towers.

Antenna – An electrical conductor or group of electrical conductors that transmit or receive radio waves, excluding amateur radio antennas.

Attachment – An antenna or other piece of related equipment affixed to a transmission tower, building, silo, smokestack, water tower, light or utility pole, or an alternative support structure.

Collocation – Placement of an antenna on an existing transmission tower, building, light or utility pole, water tower or other structure where the antenna and all supports are located on the existing structure.

Commercial impracticability or commercially impracticable – A circumstance which may excuse the applicant or holder from performing a requirement of Article 06 of this UDC. Such an excuse may be granted where these three (3) conditions exist:

- (1) A contingency occurs;
- (2) Nonoccurrence of the contingency has been a basic assumption on which the requirement was made; and
- (3) Performance of the requirement has been made impractical because of, including, but not limited to excessive and unreasonable cost.

Completed application – An Application that contains all information and/or data necessary to enable the Council to evaluate the merits of the request and to make an informed decision with respect to the effect and impact of Wireless Telecommunications Facilities on the City in the context of the permitted land use for the particular location requested.

Facilities Siting Permit – The official document or permit by which an Applicant is allowed to construct and use Wireless Telecommunications Facilities as granted or issued by the City.

Guyed tower – A tower which is supported by the use of cables (guy wires) which are permanently anchored.

Height – The difference in elevations, as measured from the pre-existing natural grade level to the highest point on the tower or structure, even if said highest point is an antenna, attachments, or camouflage feature.

Lattice tower – A self-supporting tower characterized by an open framework of lateral cross members which stabilize the tower.

Material modification – An important, essential or significant change to an existing wireless telecommunications facility. Changes that materially affect the obvious physical appearance of a facility, materially increase a facility's height or structural loading, or otherwise materially affect the safety of the facility would be material modifications. An increase of ten percent (10%) or more in the height of a wireless telecommunications facility shall be presumed to constitute a material modification, unless the Applicant, owner or operator of the facility demonstrates that such increase or addition will not materially affect the appearance or safety of the facility. Collocation on a telecommunications structure for which a facilities siting permit allowing such collocation had previously been granted in conformity with this UDC shall not be considered a material modification for purposes of this statute so long as such collocation does not increase the height of the wireless telecommunications facility and does not increase the previously-existing antenna array of the wireless telecommunications structure. Ordinary repair and/or maintenance (which includes the replacement or upgrade of components with substantially similar components), without any material addition, removal or other material modification of any visible components or aspects of a wireless telecommunications facility shall not be considered a material modification for the purposes of this Article.

Monopole – A single upright pole engineered to be self-supporting and does not require lateral cross supports or guys.

Stealth design – An antenna, including support structure(s) if any, or telecommunications facility that is designed or located in such a way that the antenna and facility are not readily recognizable as telecommunications equipment.

Wireless telecommunications facility or Telecommunications Site or Personal wireless facility – A structure, facility or location designed, or intended to be used as, or used to support, antennas or other telecommunications transmitting or receiving devices, including but not limited to, towers of all types, the tower compound, alternative support structures, fencing, enclosures, roads, parking areas, generators, required lighting, landscaping and similar structures that employ camouflage technology or stealth design, including but not limited to structures such as multi-story buildings, church steeples, silos, water towers, signs or other similar structures intended to mitigate the visual impact of an antenna or the functional equivalent of such. It does not include home or office devices that are contained wholly within an existing home or office, nor over-the-air-reception devices including reception antennas for direct broadcast satellites, multi-channel multipoint distribution (wireless cable) providers, television broadcast stations and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception. It is a structure intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, personal telecommunications services, commercial satellite services, or microwave telecommunications, and any commercial wireless telecommunications service not licensed by the FCC.

Sec. 10-09. AIR NAVIGATION TERMS

Airport Elevation – The highest point of an airport's usable landing area measured in feet from sea level.

Object – A structure, including a mobile structure, constructed or installed by man, or a product of nature, including but without limitation, buildings, towers, cranes, smokestacks, earth formations, trees, overhead transmission lines, and utility poles.

Runway – A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Runway, larger than utility – A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Runway, non-precision instrument – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

Runway, precision instrument – A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Runway, utility – A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Runway, visual – A runway intended solely for the operation of aircraft using visual approach procedures.

Surface approach – A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

Surface, conical – A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

Surface, horizontal – A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Surface, primary – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway.

Surfaces, transitional – These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

Sec. 10-10. ADULT USE TERMS

Adult bookstore – An establishment having ten percent (10%) or more of its stock in trade, in books, photographs, magazines, films for sale or viewing on or off the premises by use of motion picture devices, video players, DVD players, computers or coin operated means, or other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to sex or sexual activity or the principal purpose of which is to sexually stimulate or sexually arouse the patron viewer or reader or instruments, devices, or paraphernalia that are designed or marketed for use in connection with specified sexual activities.

Adult entertainment business or establishment – Any of the establishments, businesses, buildings, structures or facilities which fit within the definition of adult bookstore, adult entertainment facility, adult motion picture theater, bathhouse, massage parlor and/or modeling studio.

Adult entertainment facility – Any building, structure or facility which contains or is used entirely or partially for commercial entertainment, including theaters used for presenting live presentations, video tapes, DVDs, sexual paraphernalia or films predominantly distinguished or

characterized by their principal emphasis on matters depicting, describing, or relating to sexual activities, and erotic dance facilities (regardless of whether the theater or facility provides a live presentation, video tape, DVD, or film presentation), where the patrons either: (1) engage in personal contact with, or allow personal contact by employees, devices or equipment, or by personnel provided by the establishment which appeals to the prurient interest of the patrons; or (2) observe any live presentation, video tape, DVD or film presentation of persons wholly or partially nude, unless otherwise prohibited by ordinance, with their genitals or pubic region exposed or covered only with transparent or opaque covering, or in the case of female persons with the areola and nipple of the breast exposed or covered only with transparent or opaque covering or to observe specified sexual activities.

It is not intended to identify as an adult entertainment facility those buildings, structures or facilities in which part of any play, drama, ballet, or motion picture in any theater, concert hall, museum of fine arts, school, institution of higher education, or other similar establishment which include nudity as a form of expression or opinion or communication of ideas or information, which is to be differentiated from the promotion or exploitation of nudity for the purpose of advancing the economic welfare of the commercial or business enterprise.

Adult motion picture theater – An enclosed building used for presenting or showing, for money consideration, movie or video films or pictures or other material distinguished or characterized by an emphasis on matter depicting, describing or relating to specific sexual activities for observation by customers therein.

Bathhouse – An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, unless operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the State.

Massage parlor – An establishment which has a fixed place of business having a source of income or compensation which is derived from the practice of any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulation of external parts of the human body with the hands or with the aid of any mechanical electric apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotion, ointment or other similar preparations commonly used in the practice of massage under such circumstances that is reasonably expected that the person to whom the treatment is provided or some person on his or her behalf will pay money or give any other consideration or gratuity; provided that this term shall not include any establishment operated or supervised by a medical or chiropractic practitioner, professional physical therapist or professional massage therapist licensed by the State of Missouri; operation of barber shops, beauty salons, health clubs, or similar places of business in which massages are administered to the patron fully clothed involving only the scalp, the face, the neck, or the shoulders or services performed by a licensed therapist or other persons who are not engaged in prohibited specific sexual activities as defined herein.

Modeling studio – An establishment or business which provides for a fee or compensation the services of modeling on premises for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise. This does not apply to public or private schools or other not-for-profit organizations in which persons

are enrolled in a class or individual artist or sculptor not engaged in prohibited specific sexual activity as defined herein.

Specified sexual activities – Sexual conduct, being acted or simulated, acts of human masturbation; sexual intercourse; a physical contact in an act of apparent sexual stimulation or gratification with a person's clothed or unclothed genitalia, pubic area, buttocks, or the breast of a female, or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.

Sec. 10-11. GRADING, EROSION, AND SEDIMENT CONTROL TERMS

Adverse impact. A negative impact on land, water, and associated resources resulting from grading activity. The negative impact includes increased risk of flooding, degradation of water quality, increased off-site sedimentation, reduced groundwater recharge, adverse effects on aquatic organisms, wildlife, and other resources, and threats to public health, welfare and safety.

Best management practices or BMPs. Practices, procedures or a schedule of activities to reduce the amount of sediment and other pollutants in storm water discharges associated with construction and grading activities. For examples of BMPs, refer to the City of Chesterfield's Sediment & Erosion Control Manual.

Clearing. Any activity that removes vegetative surface cover.

Contractor. A person who contracts with the owner, developer, or another contractor to undertake any or all grading activities covered by this UDC. This definition encompasses subcontractors.

Erosion. The wearing away of the land surface by the action of wind, water or gravity.

Erosion Control or Sediment Control. Practices, measures or a schedule of activities to reduce the wearing away of the land and reduce the sediment and other pollutants carried by stormwater, wind or gravity.

Excavation. Any act by which earth, sand, gravel, rock or any other similar material is cut into, dug, uncovered, removed, displaced, relocated or bulldozed, and shall include the conditions resulting therefrom.

Fill or Filling. Any act by which earth, sand, gravel, rock or any other similar material is deposited, placed, pushed, pulled or transported to a place other than the place from which it was excavated and shall include the conditions resulting therefrom.

Grading or Grading Activity. Clearing, excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

Grading permit. Written approval from the City of Chesterfield authorizing grading activities.

Grading Plan. A plan that accurately depicts a representation of the existing, intermediate and final rough grading prior to construction of improvements and structures.

Inspector. A person who, under the direction of the Public Works Director, reviews any grading activity for compliance with this UDC.

Non Point Sources and Land Disturbance Permits (NPDES). Refers to Section 402 of the Missouri Department of Natural Resource's Water Pollution Control Program.

Permittee. The applicant in whose name a valid permit is duly issued pursuant to this UDC, and his/her agents, employees, and others acting in his/her direction.

Sediment or Sedimentation. Solid material, mineral or organic, that has been moved from the point of origin by erosion.

Sediment and Erosion Control Manual (Manual). A manual which establishes minimum requirements, and provides guidance and additional resources to facilitate control of soil erosion on land that is undergoing development for non-agricultural uses, and to preserve the natural terrain and waterways within the incorporated limits of the City of Chesterfield.

Storm Water Pollution Prevention Plan (SWPPP). The SWPPP covers required sediment and erosion control practices specific to site conditions and maintenance and adherence to the SWPPP plan. Its purpose is to ensure the design, implementation, management and maintenance of BMPs in order to reduce the amount of sediment and other pollutants in storm water discharges associated with land disturbance activities, comply with the Missouri Water Quality Standards and ensure compliance with the terms and conditions of the NPDES.