

INTRODUCED BY: Councilmember Aleta Klein

DATE: February 13, 2023

BILL NO.: 9502

ORDINANCE NO.: 7218

AMENDED

AN ORDINANCE AMENDING SECTIONS 400.030, 400.510, 400.570, 400.620, 400.630 AND 400.1495 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI, RELATING TO ZONING, SO AS TO CONFORM TO MISSOURI CONSTITUTION ARTICLE XIV PROVISIONS RELATING TO MARIJUANA FACILITIES, AS APPROVED BY VOTERS ON NOVEMBER 8, 2022.

WHEREAS, Chapter 400 (Zoning Code) of the Municipal Code of the City of University City, Missouri divides the City into several zoning districts and regulates the uses to which premises located therein may be put; and

WHEREAS, at its meeting on January 25, 2023, the City Plan Commission examined amendment to Sections 400.030, 400.510, 400.570, 400.620, 400.630 and 400.1495 relating to zoning, so as to conform to Missouri Constitution Article XIV provisions relating to marijuana facilities, as approved by voters on November 8, 2022; and

WHEREAS, the City Plan Commission, at its meeting on January 25, 2023, recommended to the City Council that it approve said amendments; and

WHEREAS, due notice of a public hearing to be held by the City Council in the City Council Chambers at City Hall, 6801 Delmar, University City, Missouri, on February 27, 2023, was duly published on February 12, 2023, in the St. Louis Countian, a newspaper of general circulation within University City; and

WHEREAS, the public hearing was held at the time and place specified in the notice, and all suggestions or objections concerning said amendments were duly heard and considered by the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI AS FOLLOWS:

Section 1. Sections 400.030, 400.510, 400.570, 400.620, 400.630 and 400.1495 of the Municipal Code of the City of University City, Missouri, relating to the zoning, are hereby amended so as to conform to Missouri Constitution Article XIV provisions relating to marijuana facilities, as approved by voters on November 8, 2022; so that said Sections, as so amended, shall read as follows:

Section 400.030. Definitions.

As used in this Chapter, the following terms shall have these prescribed meanings:

ABUTTING

Having a common border with, or being separated from such a common border by a right-of-way or easement for a street, alley, pedestrian way, utilities or storm drainage.

ACCESSORY USE

A building, structure or use which meets all the following criteria:

1. It is subordinate to and serves a principal building or a principal use;
2. It is subordinate in area, extent or purpose to the principal building or principal use served;
3. It contributes to the comfort, convenience or necessity of occupants, business, industry, or institution in the principal building or principal use served; and
4. It is located on the same lot as the principal building use served.

ADULT BUSINESS

Any business:

1. That engages in the sale or rental of merchandise of which a substantial portion is sexually-oriented material. It shall be presumed that a substantial portion of the merchandise is sexually-oriented material if any one (1) or more of the following criteria are satisfied:
 - a. Twenty-five percent (25%) or more of the floor area of the premises (not including bathrooms or office space) is used for the storage, stocking or display of sexually-oriented material at any time; or
 - b. Twenty-five percent (25%) or more of the merchandise displayed at any time (by number of items) consists of sexually-oriented material; or
 - c. Twenty-five percent (25%) or more of the inventory, including merchandise displayed and merchandise in stock or storage areas, at any time (by number of items) consists of sexually-oriented material; or
 - d. Twenty-five percent (25%) or more of the value of the inventory, including merchandise displayed and merchandise in stock or storage areas, at any time (as measured by retail or rental price) consists of sexually-oriented material.
2. To which the public, patrons or members are invited or admitted and wherein adult entertainment is provided, as a regular and substantial portion of its business. Such business, includes, but is not limited to, any adult motion picture theater, adult cabaret, adult theater or adult entertainment studio, as defined herein.

ADULT CABARET

- A. A nightclub, bar, restaurant or similar commercial business establishment which regularly features:
 1. Persons who appear nude, in a state of nudity or seminude.

ADULT ENTERTAINMENT

Any exhibition, performance, display or dance of any type, including, but not limited to, talking, singing, reading, listening, serving food or beverages, soliciting the sale of food, beverages or entertainment, posing, pantomiming, modeling, removal of clothing, or any service offered on premises where such exhibition, performance, display or dance is of sexually-oriented material.

ADULT ENTERTAINMENT STUDIO

An establishment whose premises are physically arranged so as to provide one (1) or more booths, cubicles, stalls, compartments or rooms accommodating one (1) or more patrons for

presenting or viewing sexually-oriented material. An adult entertainment studio includes, but is not limited to, establishments known as "rap parlors", "exotic dance studios", "sensitivity studios", "encounter studios", "peep shows", "adult video arcades" and "adult mini-motion picture theaters".

ADULT MOTION PICTURE THEATER

An establishment wherein films, motion pictures, movies, video cassettes, slides, digital video discs or similar photographic reproduction, video over Internet protocol or other projected images are regularly, commonly, habitually or consistently shown which present material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT THEATER

- A. A theater, concert hall, auditorium or similar commercial establishment that regularly, commonly, habitually or consistently features:
1. Persons who appear in person in a state of nudity or seminude; or
 2. Live performances which are characterized by the exposure of specific anatomical areas or by specified sexual activities; or
 3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
 4. Persons who engage in erotic dancing or performances that are intended for the sexual interest or titillation of an audience or customers.

ALLEY

A public or private way, at the rear or side of property, primarily used as a means of secondary vehicular access to abutting property.

ALTERATION

As applied to a building or structure, means a change or rearrangement in the structural parts or in the means of egress. This definition includes an enlargement of a building or structure, whether by extending a side or by increasing the height. Also, the moving of a building or structure from one location or position to another is considered an alteration. (See also "*SUBSTANTIAL ADDITION*".)

AMUSEMENT CENTER, INDOOR

A business establishment whose principal business is providing entertainment to customers via the customer's use of mechanical or electronic game machines or devices and/or table sports. Such machines, devices and table sports include pinball machines, electronic video games, virtual reality devices, table tennis, billiards, and other similar games or sports. However, in no case shall an amusement center involve wagering or betting activities.

AMUSEMENT CENTER, OUTDOOR

A business establishment whose principal business is providing entertainment to customers in an outdoor setting. Such uses include miniature golf, batting practice cages, and similar outdoor amusement facilities, but not including go-cart or other motorized vehicle tracks.

ANTENNA

See Article V.

APARTMENT

See "*DWELLING, APARTMENT*".

APPROVED

Approved by the Zoning Administrator or other authority having jurisdiction.

ATTACHED SINGLE-FAMILY DWELLING

See "*DWELLING, ATTACHED SINGLE-FAMILY*".

AWNING (SEE ALSO CANOPY)

A fixed or retractable roof-like cover that serves to shield a doorway or window from the elements, and which projects from and is supported by the wall of a building.

BANK OR OTHER FINANCIAL INSTITUTION

An institution that trades in money; an establishment for the deposit, custody and issuance of money, and also for making loans and discounts, and facilitating the transmission of remittances from one place to another. Credit unions and savings and loans shall also be considered a bank or other financial institution; but check-cashing establishments, pawnshops, short-term loan establishments and title lenders shall not.

BARS AND TAVERNS

A business establishment where beer, wine, or other alcoholic beverages are sold to customers and consumed on the premises and where food or meals sold in conjunction with the business constitutes fifty percent (50%) or less of the gross receipts of the establishment.

BED AND BREAKFAST FACILITY

A single-family dwelling, a portion of which is used for temporary guest accommodations for a fee and where the owner of the dwelling to whom an occupancy permit has been issued maintains the bed and breakfast facility as her/his permanent residence.

BEDROOM

Any room, within a dwelling unit, used principally for sleeping purposes, including rooms used as an all-purpose room, a study or a den.

BILLBOARD

See "*SIGN, OFF-PREMISES ADVERTISING*".

BLOCK FRONTAGE

All the property abutting on one (1) side of a street between two (2) intersecting streets or, if the street be a dead-end, then all property abutting on one (1) side between an intersecting street and the dead-end of the street. In the case of dead-end streets less than two hundred fifty (250) feet in length, both sides of the street shall be considered to be in the same block frontage.

BLOOD BANK

A use which includes the collection of blood, blood components, other bodily fluids, or body parts from individuals other than samples of blood or blood components which are taken in a physician's office, substance abuse treatment centers, or medical laboratory for diagnostic purposes only.

BUFFER AREA (SEE ALSO "SCREENING")

An area of land established to protect one type of land use from another incompatible, or potentially incompatible, land use. The area is landscaped or left in a natural state and kept in open space use.

BUILDING

A structure used or intended for shelter.

BUILDING COVERAGE

That percentage of a lot covered by a structure or structures or any part thereof, excluding roof eaves (e.g., building "footprint").

BUILDING FRONTAGE

The horizontal length of that portion of a building which faces a right-of-way or which faces a parking lot containing no less than twenty (20) parking spaces and serving the building.

BUILDING HEIGHT

The vertical distance measured from the curb or its equivalent established grade at a point midway between the two (2) side lot lines to the highest point of a parapet wall, a flat roof, or mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that where a building is set back from the street right-of-way line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

BUILDING LINE

See "*BUILDING SETBACK*".

BUILDING PERMIT

A permit issued by the Building Commissioner authorizing specific construction or building activities.

BUILDING, PRINCIPAL

The structure in which the principal use of the lot is located.

BUILDING SETBACK

The required minimum horizontal distance between the closest point of an exterior wall of a building or any projection thereon and the applicable property line or right-of-way line, in which no structure can be placed or erected, unless otherwise provided for in this Chapter. See Article V for exceptions to setback requirements.

BULLETIN BOARD

A sign on which copy is changed either manually or automatically (electronically), posting information pertinent to the business or establishment on the premises.

CANOPY (SEE ALSO "MARQUEE")

A fixed or retractable semi-permanent roof-like cover, comprised of a skeletal structure covered by fabric or plastic material, that serves to shield a doorway or window from the elements, and which projects from the wall of a building, is attached to the building at the inner end and is supported by posts, columns or stanchions at the outer end. A canopy is not a marquee.

CAR WASH

A structure or portion thereof containing facilities for washing motor vehicles, such as a chain conveyor, blower, pressurized cleaning device or other mechanical device, including self-service cleaning facilities.

CERTIFICATE OF NON-RESIDENTIAL OCCUPANCY

See "*USE CERTIFICATE*".

CHECK-CASHING ESTABLISHMENT

A business establishment engaged in check-cashing operations for a fee, as a primary or substantial element of its business and which is not licensed by the appropriate State or Federal agency as a banking or savings and loan facility. It shall not be considered an office within the meaning in this Chapter.

CHILD DAY CARE CENTER, NURSERY SCHOOL, OR DAY CARE NURSERY

See "*DAY CARE CENTER*".

COMMERCIAL EQUIPMENT

Construction equipment, material handling equipment and the like, and trailers for transporting such equipment whether occupied by such equipment or not.

COMMERCIAL MOTOR VEHICLE

Any motor vehicle used for business or institutional purposes or having painted thereon or affixed thereto a sign identifying a business, institution or a principal product or service or a business; or any motor vehicle used primarily for the transportation of persons for a fee or charge such as buses or taxicabs.

COMMERCIAL USE

An occupation, employment, or enterprise that is carried on for a profit by the owner, lessee, or licensee, but not including home occupations and day care homes that comply with the provisions of this Chapter.

COMMON OPEN SPACE

See "*OPEN SPACE, COMMON*".

COMPREHENSIVE MARIJUANA CULTIVATION FACILITY

A facility licensed by the State of Missouri to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) to a medical facility, comprehensive facility, or marijuana testing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority to process marijuana shall include the creation of prerolls, but shall not include the manufacture of marijuana infused products.

COMPREHENSIVE MARIJUANA DISPENSARY FACILITY

A facility licensed by the State of Missouri to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient or primary caregiver, as those terms are defined in Section 1 of Article XIV of the Missouri Constitution, or to a consumer, anywhere on the licensed property or to any address as directed by the patient, primary caregiver, or consumer and consistent with the limitations of Article XIV and as otherwise allowed by law, to a comprehensive facility, a marijuana testing facility, or a medical facility. Comprehensive dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A comprehensive marijuana dispensary facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana, but shall collect all appropriate tangible personal property sales tax for each sale, as set forth in Article XIV and provided for by general or local law. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

COMPREHENSIVE MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

A facility licensed by the State of Missouri to acquire, process, package, store, manufacture, transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

CONDITIONAL USE

See Article XI, Sections 400.2670 et seq.

CONVALESCENT HOME

Any premises, other than a nursing home, hospital or residential substance abuse treatment center, which provides twenty-four (24) hour care, accommodation and board in order to aid individuals in the gradual recovery of health and strength after illness or weakness, including a "Residential Care Facility I" or a "Residential Care Facility II" as defined by Chapter 198, RSMo.

CONVENIENCE STORE

A retail establishment, not exceeding three thousand five hundred (3,500) square feet in gross floor area, offering for sale prepackaged food products, household items, and other convenience goods.

CORNER LOT

See "*LOT, CORNER*".

COUNCIL

The City Council of the City of University City.

DAY CARE CENTER

A facility providing for the care of five (5) or more persons away from their own homes for part of the twenty-four (24) hour day. The terms "*nursery school*" or a "*day care nursery*" shall be considered synonymous with day care center.

DAY CARE HOME

A single-family dwelling unit in which family-like care is provided for four (4) persons or less, away from their own homes, for compensation or otherwise, for part of a twenty-four (24) hour day.

DENSITY (SEE ALSO "NET ACREAGE")

The ratio of the number of dwelling units to the net acreage of parcel of land on which the dwelling units are located.

DETACHED SINGLE-FAMILY DWELLING

See "*DWELLING, DETACHED SINGLE-FAMILY*".

DEVELOPMENT

All structures and other modifications of the natural landscape, above and below ground, on a particular site, including, but not limited to, grading, removal of trees, paving, installation of utilities, or the erection of structures.

DEVELOPMENT, PLANNED

Land under unified control to be planned and developed in a single development operation or a programmed series of development operations or phases. A planned development includes principal and accessory structures and uses strongly related to the character and purposes of the planned development. A planned development is built according to general and detailed plans for streets, utilities, lot and building location, landscaping, and the like. A planned development containing multiple lots and common areas includes provisions for the operation and maintenance of common areas, facilities, and improvements that are for use by the occupants of such planned development, but which will not be provided, operated, or maintained at public expense. A planned development may include development of a single parcel of land without common areas as previously described.

DEVELOPMENT STANDARDS

Standards established in the regulations of this Chapter which control the physical and/or operational characteristics of any permitted, conditional or accessory use.

DISCONTINUANCE

See Article **XIII**.

DORMITORY

Any premises providing group sleeping or living accommodations for four (4) or more unrelated persons associated with an institution.

DOUBLE FRONTAGE LOT

See "*LOT, THROUGH*".

DRIVE-THROUGH FACILITY

Any portion of a principal building, separate accessory structure, and/or an area of a lot, from which business is transacted, or is capable of being transacted, directly with customers while they remain in their motor vehicle. The terms "*drive-up*" and "*drive-in*" or similar terminology shall be considered synonymous with drive-through.

DWELLING

A building, or portion thereof, used exclusively for residential purposes, except for hotels, motels, house trailers or major recreational equipment.

DWELLING UNIT

One (1) or more rooms located within a dwelling, forming a habitable unit designed for one (1) family.

DWELLING, ATTACHED SINGLE-FAMILY

Two (2) attached dwelling units sharing common wall(s), with each unit on its own individual lot of record.

DWELLING, DETACHED SINGLE-FAMILY

A dwelling unit which is entirely surrounded by open space on its own subdivided lot of record.

DWELLING, ELEVATOR-TYPE

A type of multi-storied, multiple-family dwelling of more than three (3) stories in height or containing more than twelve (12) dwelling units with primary access to each floor, above the first floor, provided by means of an elevator.

DWELLING, GARDEN-TYPE

A type of two- or three-story multiple-family dwelling containing not more than twelve (12) dwelling units with common access to all units typically provided by open or enclosed stairways and hallways. Access to the second and third floors may be provided by means of an elevator.

DWELLING, MULTIPLE-FAMILY

A building, or portion thereof, designed for occupancy by three (3) or more families living independently of each other. This definition does not include "attached single-family" dwellings.

DWELLING, TOWN-HOUSE

A type of multiple-family dwelling containing three (3) to eight (8) contiguous dwelling units, which are separated by common wall(s), extending from basement to roof without openings, and where each dwelling unit may or may not be located on its own individual lot of record.

DWELLING, TWO-FAMILY

A dwelling containing two (2) attached dwelling units, both on a single lot of record.

ERECT

To build, construct, install, attach, hang, place, inscribe, suspend, affix, paint or repaint.

EXTERIOR WALL

See "*WALL, EXTERIOR*".

FAMILY

An individual or married couple and/or the children thereof.

FAMILY DAY CARE HOME

See "*DAY CARE HOME*".

FAST-FOOD RESTAURANT

See "*RESTAURANT, FAST-FOOD*".

FENCE, SIGHT-PROOF

A solid fence that effectively conceals the activities conducted behind it from the view of adjacent properties, streets, or alleys.

FLAG LOT

See "*LOT, FLAG*".

FLOOR AREA, GROSS

The sum of the area of horizontal surfaces of all floors of a building, measured from the exterior faces of exterior walls and includes all corridors, lobbies, elevators, stairs, and toilet rooms. Areas devoted to off-street parking or loading, or to building mechanical rooms, shall not be included in the computation of gross floor area.

FLOOR AREA RATIO (F.A.R.)

The gross floor area of a building or multiple buildings on a zoning lot divided by the total area of such zoning lot.

FOOD AND BEVERAGE ESTABLISHMENT

A business establishment that sells prepared food or beverages where the customers consume food or beverages within the building or at accessory outdoor dining areas, including, but not limited to, restaurants, bars and taverns, and specialty food stores.

FRATERNITY OR SORORITY HOUSE

A dwelling occupied by members of a fraternity or sorority. A fraternity or sorority is an organization of a group of individuals with a common purpose under a constitution, bylaws or other rules adopted by them, and recognized by an accredited school. This definition does not include any organization formed by the owner or lessor of real estate for the purpose, among others, of operating a dormitory, lodging or rooming house.

FRONT YARD

See "*YARD, FRONT*".

GARAGE OR CARPORT

A detached accessory building or a structure attached to a dwelling unit, designed, arranged, used or intended to be used for the storage of motor vehicles of the occupants of the premises, but not including parking structures.

GASOLINE STATION

A building and premises where the primary use is the retail sale and dispensing of gasoline, diesel fuel, lubricants, coolant, compressed air, and other vehicle fluids, but not including vehicle repair or service facilities, or sale of motor vehicles.

GROUND LEVEL

The elevation of the centerline of the adjacent right-of-way at the point closest to the sign.

GROUP HOME FOR THE DISABLED

A dwelling unit where a group of unrelated mentally or physically disabled persons reside and which such group does not fall within the definition of "family".

GROUP HOME FOR THE DISABLED, SMALL

A dwelling unit where eight (8) or fewer unrelated mentally or physically disabled persons reside, plus not more than two (2) additional persons serving as house parents or guardians who need not be related to each other or to any of the mentally or physically disabled persons residing in the dwelling.

GYMNASIUM

A building or portion thereof equipped for gymnastics and sports activities such as basketball and volleyball.

HABITABLE SPACE (ALSO SEE "OCCUPIABLE SPACE")

Space in a building for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

HISTORIC DISTRICT

An area within defined geographical boundaries containing buildings, structures, humanly created objects, or environmental features which collectively constitute an area which possesses historical value by the criteria established herein for an historic landmark, and which is designated as an historic district by ordinance by the City Council.

HISTORIC LANDMARK

A structure, building, humanly created object or environmental feature which possesses historic value by reason of age or association with important figures or events; or evidences aspects of the history of University City, the State of Missouri, or the United States; or embodies the distinctive characteristics of a type, period or method of construction; or represents the work of an historically notable architect, designer or craftsman; and which is designated as an historic landmark by ordinance by the City Council.

HOME FOR THE DISABLED, LARGE

A dwelling unit where more than eight (8) unrelated mentally or physically disabled persons reside, plus additional persons serving as house parents or guardians who need not be related to each other or to any of the mentally or physically disabled persons residing in the dwelling.

HOME OCCUPATION

An occupation, profession or other business activity (for profit or not-for-profit) that is clearly incidental to and a secondary use of a dwelling unit, and which does not alter the exterior of the dwelling unit. (See Article V "Supplementary Regulations", Division 8.)

HOSPITAL

Any premises, other than a nursing home, convalescent home or substance abuse treatment center, devoted primarily to the diagnosis, treatment and overnight nursing or medical care of individuals.

HOTEL

A building or group of buildings containing rooms which are intended, used or designed to be rented or let out for compensation to tourist or other transients.

INSTITUTIONAL USE

A non-profit or quasi-public use or institution such as a place of worship, library, public or private school, hospital, or a building, structure or land owned or operated by a governmental agency and used for a public purpose.

LOT (SEE ALSO "LOT OF RECORD" AND "LOT, ZONING")

A parcel of land which has been or which is proposed to be used, developed, or built upon as a unit under single ownership. This definition shall be synonymous with the terms premises, parcel, site, or tract when used in the appropriate context.

LOT AREA (SEE ALSO "DENSITY")

The total area circumscribed by the boundaries of a lot, excluding easements for access or road purposes.

LOT, CORNER

A lot abutting on and at the intersection of two (2) or more streets. For establishing building setbacks, a corner lot is considered to have two (2) or more front yards.

LOT DEPTH

The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

LOT, DOUBLE FRONTAGE

See "*LOT, THROUGH*".

LOT, FLAG

A lot with access provided to the bulk of the lot by a narrow corridor of property.

LOT, INTERIOR

A lot which abuts other lots on all sides (and rear), except for the lot line dividing the lot from a single abutting street.

LOT LINE (SEE ALSO "PROPERTY LINE")

A line dividing one lot from another, or from a public or private street right-of-way or any other public right-of-way.

LOT LINE, FRONT (SEE ALSO "YARD, FRONT")

On an interior lot, the lot line abutting a street right-of-way; or, on a corner lot, each lot line abutting a street right-of-way; or, on a through lot, the lot line abutting the street right-of-way providing the primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street right-of-way providing access.

LOT LINE, REAR (SEE ALSO "YARD, REAR")

The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three (3) lot lines will not have a rear lot line.

LOT LINE, SIDE (SEE ALSO "YARD, SIDE")

Any lot line not a front or rear lot line.

LOT OF RECORD

A lot which is part of a subdivision or a parcel of land whose boundaries have been established by some legal instrument, and is shown on a map or plat thereof, which has been legally established and recorded in the office of the Recorder of Deeds of St. Louis County.

LOT, THROUGH

A lot having its front and rear yards each abutting on a street (also known as "double frontage" lot).

LOT WIDTH

The horizontal distance between side lot lines, measured along the required front building setback line.

LOT, ZONING

A parcel of land consisting of a single lot of record, part of a lot of record, or a combination of two (2) or more contiguous lots of record which has been or which is proposed to be used, developed or built upon as a unit under single ownership or control.

MAINTAIN

To permit a sign, sign structure, or any part of each to continue, or to repair or refurbish a sign, sign structure, or any part of each.

MAJOR RECREATIONAL EQUIPMENT

See "*RECREATIONAL EQUIPMENT, MAJOR*".

MARIJUANA TESTING FACILITY

A facility certified by the State of Missouri to acquire, test, certify, and transport marijuana, including those originally certified as a medical marijuana testing facility.

MARQUEE (SEE ALSO "CANOPY")

A permanent roof-like structure projecting beyond a building, or extending along and projecting beyond the wall of the building, that serves to shield a building entrance from the elements.

MEDICAL MARIJUANA CULTIVATION FACILITY

A facility licensed by the State of Missouri to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, and marijuana vegetative cuttings (also known as clones) to a medical marijuana dispensary facility, medical marijuana testing facility, medical marijuana cultivation facility, or to a medical marijuana-infused products manufacturing facility. A medical marijuana cultivation facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.

MEDICAL MARIJUANA DISPENSARY FACILITY

A facility licensed by the State of Missouri to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, anywhere on the licensed property or to any address as directed by the patient or primary caregiver, so long as the address is a location allowing for the legal possession of marijuana, another medical marijuana dispensary facility, a marijuana testing facility, a medical marijuana cultivation facility, or a medical marijuana-infused products manufacturing facility. Dispensary facilities may receive transaction orders at the dispensary in person, by phone, or via the internet, including from a third party. A medical marijuana dispensary facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana infused products.

MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

A facility licensed by the State of Missouri to acquire, process, package, store on site or off site, manufacture, transport to or from, and sell marijuana-infused products to a medical marijuana dispensary facility, a marijuana testing facility, a medical marijuana cultivation facility, or to another medical marijuana-infused products manufacturing facility.

MICROBUSINESS DISPENSARY FACILITY

A facility licensed by the State of Missouri to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a consumer, qualifying patient, as that term is defined in Section 1 of this Article XIV of Missouri Constitution, or primary caregiver, as that term is defined in Section 1, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with the limitations of Article XIV and as otherwise allowed by law, a microbusiness wholesale facility, or a marijuana testing facility. Microbusiness dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A microbusiness dispensary facility's authority to process marijuana shall include the creation of prerolls.

MICROBUSINESS WHOLESALE FACILITY

A facility licensed by the State of Missouri to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana-infused products to a microbusiness dispensary facility, other microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.

MINOR MOTOR VEHICLE REPAIRS

Minor repairs and services to motor vehicles including minor tune-ups, changing flat tires, replacing batteries, fuses and lights, replacing hoses, replacing filters, installing minor accessories, adding or replacing lubricants, coolant, refrigerant, or other fluids.

MOBILE HOME

A self-contained structure designed or intended to be used for dwelling purposes which has been, or reasonably may be equipped with wheels or other devices for transporting such structure, in whole or in its several parts.

MOTEL

See "*HOTEL*".

MOTOR VEHICLE ORIENTED BUSINESS ("MVOB")

Any commercial use which, by design, type of operation, and nature of business, has as one (1) of its functions the provision of goods, merchandise or services to motorists or occupants of motor vehicles in a short period of time span for each, or the provision of goods, merchandise or services while patrons remain in their vehicle. The list of businesses which constitute motor vehicle-oriented businesses include convenience stores having a gross floor area of more than one thousand (1,000) square feet, gasoline stations, drive-in banks, drive-in or drive-through restaurants, drive-in beverage sales, and car wash operations which are not accessory to a permitted use. This enumeration is not intended to serve as an inclusive list of such MVOB businesses.

NAMEPLATE

A non-electrical sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located.

NET ACREAGE

The gross acreage of a parcel of land less all land dedicated (or to be dedicated) to street rights-of-way or easements for access or road purposes. In the case of private streets, the equivalent of public rights-of-way for these private streets shall be deducted from the gross acreage. In the event that there is a question regarding the width and length of such equivalent rights-of-way, the Zoning Administrator shall render a determination.

NON-CONFORMING LOT

See Article **XIII**.

NON-CONFORMING SITUATION

See Article **XIII**.

NON-CONFORMING USE

See Article **XIII**.

NON-CONFORMITY, DIMENSIONAL

See Article **XIII**.

NUDITY STATE OF NUDITY

- A. The appearance of any portion of the human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals or vulva with less than a fully opaque covering.
- B. The showing of any portion of the female breast or breasts with less than a fully opaque covering of any part of the areola or nipple.
- C. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
- D. Body paint, body dyes, tattoos, liquid latex, whether wet or dried, and other similar substances shall not be considered an opaque covering.

NURSING HOME

Any premises, other than a hospital or residential substance abuse treatment center, which provides twenty-four (24) hour personal and health care, accommodation and board to individuals under the daily supervision of a licensed nurse and the supervision of a licensed physician, including "Residential Care Facilities I and II", and "Intermediate Care Facility" or a "Skilled Nursing Facility" as defined by Chapter 198, RSMo.

OCCUPIABLE SPACE

A room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational or similar purposes, or in which occupants are engaged at labor; and which is equipped with means of egress and light and ventilation facilities meeting the University City Building Code.

OFFICE

A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical services.

OFFICE, MEDICAL OR DENTAL

A facility for the practice of medicine or dentistry for humans, including accessory diagnostic facilities/equipment, but not including in-patient (overnight) care, surgery clinics or substance abuse treatment centers.

OPEN SPACE

An area that provides light and air, and is designed for buffering one land use from another; or for environmental, scenic, or recreational purposes. Open space may include, but is not limited

to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and watercourses. Open space shall not include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

OPEN SPACE, COMMON

Natural or landscaped open space within or related to a development, not in individually owned lots, designed and intended for the common use or enjoyment of the residents of the development. Common open space is intended to be synonymous with common ground, common land, and common area when used in the appropriate context.

OUTDOOR DINING

Use of an adjacent, outside area by a food and beverage establishment for the same eating and drinking activities that occur within the establishment. Outdoor dining may be located in a public right-of-way or on private property, subject to the approval of an outdoor dining permit.

OUTDOOR DINING PERMIT

A permit issued to allow outdoor dining. No person shall operate outdoor dining without receipt or renewal of an annual outdoor dining permit, as required under Chapter **605**, Article **I**.

PAINTED GRAPHICS

Any mosaic, mural, painting, graphic art technique, or combination thereof placed on a wall and containing no copy, advertising symbols, lettering, trademarks or other references to the premises or to the products and/or service offered for sale on the premises.

PARKING, OFF-STREET (SEE ALSO "PARKING STRUCTURE")

An area off-street and not within a building, where motor vehicles may be stored for temporary, daily or overnight parking.

PARKING SPACE, OFF-STREET

An area on a lot and/or within a parking structure intended for the use of temporary parking of a motor vehicle. To be considered a parking space, each parking space must have direct access to a motor vehicle circulation aisle or street.

Tandem parking stalls in single-family detached, single-family attached, and two-family dwelling developments shall be considered to have a means of access to a street so long as no vehicle is parked partially or fully within a street right-of-way.

PARKING STALL

See "*PARKING SPACE, OFF-STREET*".

PARKING STRUCTURE

A building for the storage or parking of four (4) or more vehicles, limited exclusively to passenger vehicles that will accommodate not more than nine (9) passengers.

PASSENGER VEHICLE, PRIVATE

1. Any motor vehicle or motorcycle, other than a commercial vehicle, which does not exceed six and one-half (6½) feet in height (including accessories) and is licensed as a passenger vehicle or motorcycle; or
2. A van or pickup truck, other than a commercial vehicle, which does not exceed six and one-half (6½) feet in height (including accessories) or two hundred sixteen (216) inches in length, has no more than four (4) wheels, and has a gross vehicle weight rating of six thousand (6,000) pounds or less according to the ratings published by the manufacturer. Any pickup truck that has been modified by the addition of side boards or side racks shall not be classified as a private passenger vehicle.

PATIO HOUSE

See "*DWELLING, PATIO*".

PAWNBROKER

Any person licensed as a pawnbroker pursuant to Sections **605.1290** et seq. of the University City Municipal Code.

PAWNSHOP

The location at which, or premises in which, a pawnbroker regularly conducts business.

PERFORMANCE STANDARDS

A set of criteria established to control noise, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare and heat generated by or inherent in the use of land or buildings.

PERSON

A corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals. It shall also include an executor, administrator, trustee, receiver, or other representative appointed according to law. Whenever the word "*person*" is used in any Section of this Chapter prescribing a penalty or fine as to partnership or association, the word shall include the partners or members thereof, and, as to corporation, it shall include the officer, agents or members thereof who are responsible for any violation of such Section.

PORCH

A roofed open area, which may be glazed or screened, usually attached to or a part of a building.

PRINCIPAL BUILDING

See "*BUILDING, PRINCIPAL*".

PRIVATE PASSENGER VEHICLE

See "*PASSENGER VEHICLE, PRIVATE*".

PROPERTY LINE

A line which divides one lot, parcel, or tract of land from another and as distinguished from a right-of-way line associated with a public or private street.

REAR YARD

See "*YARD, REAR*".

RECREATION FACILITIES, COMMERCIAL OR HEALTH CLUB

Commercial recreation facilities, operated as a business enterprise, offering sport and fitness activities such as tennis, racquetball, swimming, and physical exercise. Such facilities are typically more comprehensive in scope than "common" recreation facilities, defined in this Article, and may include accessory uses such as locker rooms, pro shops, snack bars, exercise rooms and equipment, massage therapy, and similar facilities and services.

They are commonly established as "health clubs", with membership coming from a larger trade area as opposed to a single subdivision or apartment/condominium complex.

RECREATION FACILITIES, COMMON

Private, non-commercial recreation facilities established for use by residents, and their guests, of a subdivision, condominium, or apartment complex. Examples of such facilities include clubhouses, swimming pools, exercise rooms, tennis or other racquet sport courts.

RECREATIONAL EQUIPMENT, MAJOR

Any recreational vehicle or equipment, other than commercial vehicles or equipment, used or designed to be used for camping, travel, or hauling purposes, including, but not limited to, a motor home, camping trailer, travel trailer, tent trailer, boat trailer, boat, camper body for mounting on a truck, or a container or trailer for storing or transporting camping, travel, recreational, or other equipment, whether occupied by such equipment or not. All vehicles not falling under the definition of private passenger vehicle or commercial vehicle shall be considered major recreational equipment.

RECYCLING CENTER

A facility, that is not a junkyard, and in which recoverable resources, such as paper, glassware, and metal cans, are received, stored, flattened, crushed, or bundled within a completely enclosed building.

RESALE/THRIFT SHOP

Any retail business where over fifty percent (50%) of the revenue is derived from the sale of previously owned items, including, but not limited to, clothes, appliances, furniture, electronic equipment, sports equipment, jewelry, cameras, tools, and household items (however, a facility for the resale of written, printed or audio reproduction items shall not be considered resale/thrift under the meaning of this definition, but rather shall be considered a retail use).

RESTAURANT

A business establishment whose principal business is the selling of prepared food to customers in a ready-to-consume state, on non-disposable dinnerware, and where the customers consume this food while seated at tables or counters located within the building or at supplemental outdoor dining areas. In order for such an establishment to be considered a restaurant and not a bar or tavern, not less than fifty percent (50%) of its gross sales shall be for serving food and non-alcoholic beverages.

RESTAURANT, FAST-FOOD

- A. A business establishment whose principal business is the sale of food in ready-to-consume individual servings, for consumption either within the restaurant building or carry-out, and where either:
1. Food, frozen desserts or beverages are usually served in edible containers or in paper, plastic or other disposable containers and where customers are not normally served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed; or
 2. The establishment includes a drive-through service facility or offers curb service.

RIGHT-OF-WAY

A linear shaped area of land designated to serve as a public or private thoroughfare which affords primary access to abutting lots. A right-of-way may be designated as a street, highway, thoroughfare, parkway, boulevard, avenue, road, place, court, or similarly designated. The limits of a right-of-way are defined by lines which are legally described and recorded and/or designated on a legally recorded plat, or indicated on official drawings of the public entity having jurisdiction over such right-of-way. Right-of-way lines serve as a reference line in which certain setback requirements of this Chapter are measured from. For purposes of this Chapter, the term right-of-way shall not include alleys, pedestrian ways or the right-of-way line associated with Interstate 170.

SATELLITE DISH

See Article V, Section 400.1380; defined as "parabolic reflector antenna".

SCREENING (SEE ALSO "BUFFER AREA")

The method by which a view of one (1) lot (or building thereon) is shielded, concealed, or is visually minimized from an adjacent property or street. Screening techniques include landscaping, fences, walls, berms, or architectural features (e.g., screening of building mechanical equipment).

SELF-SERVICE STORAGE FACILITY

See "*WAREHOUSE, SELF-SERVICE STORAGE*".

SEMINUDE

A state of dress in which opaque clothing fails to cover the genitals, anus, anal cleft or cleavage, pubic area, vulva, nipple and areola of the female breast below a horizontal line across the top of the areola at its highest point. Seminudity shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by wearing apparel provided the areola is not exposed in whole or part. For this Section body paint,

body dyes, tattoos, liquid latex, whether wet or dried, and other similar substances shall not be considered an opaque covering.

SETBACK (SEE ALSO "BUILDING SETBACK")

The required minimum horizontal distance between a building, structure, sign, or other use (e.g., off-street parking lot) and the applicable property line or right-of-way line, in which no structure can be placed or erected, unless otherwise provided for in this Chapter.

SEXUALLY-ORIENTED MATERIAL

Any performance, exhibition, book, magazine, newspaper, other printed or written matter, picture, drawing, photograph, motion picture, video, pictorial representation, statue, figure or other three-dimensional object, recording, transcription, computer program or anything which is or may be used as a means of communication that depicts, describes, or portrays human sexual intercourse, sodomy, bestiality, oral copulation, masturbation, urinary and defecatory functions, sadism, masochism, sadomasochistic abuse, or exhibition of the genitals; or any touching of the genitals, pubic areas, or buttocks of the human male or female, whether alone, or between members of the same or opposite sex, or between humans and animals, in an act of apparent sexual stimulation or gratification.

SHORT-TERM LOAN ESTABLISHMENT

A business establishment, other than a pawnbroker, engaged in providing short-term loans to the public as a primary or substantial element of its business and which is not licensed by the appropriate State or Federal agency as a banking or savings and loan facility. It includes, but is not limited to, establishments registered with the Director of the Division of Finance pursuant to Section 408.500, RSMo. It shall not be considered an office within the meaning in this Chapter.

SIDE YARD

See "*YARD, SIDE*".

SIGN

Any display, name, identification, description, illustration, device, building or building treatment which is visible to the public and which directs attention to a product, place, activity, person, service, institution, profession, business or solicitation.

SIGN, CONSTRUCTION

A temporary on-premises sign used during construction of new buildings or substantial additions to buildings, which denotes a project name and/or identifies the architects, engineers, developers, contractors and the like. See Article **II** for the definition of "substantial addition".

SIGN, DIRECTIONAL

A sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed.

SIGN, DIRECTORY

A sign listing the name, and/or use, and/or location of the various businesses or activities conducted within a building or group of buildings.

SIGN, FLASHING

A sign which contains an intermittent flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source; any sign in which any part of the light source varies in intensity and/or hue and flashes or appears to flash or turn on and off; or a sign in which a message constantly flashes or turns on and off, or alternates with other copy by means of rotating or otherwise moving portions of the sign.

SIGN, FREESTANDING (POLE AND MONUMENT SIGNS)

A pole sign, not attached to a building, and supported wholly by uprights, braces, or posts; or a monument sign, not attached to a building, whereby the majority or the entirety of the base of the sign is attached directly to the ground, or attached to an elevated landscape planter box or structure not exceeding three (3) feet in height.

SIGN, IDENTIFICATION

A sign pertaining only to the use of the premises on which the sign is located and containing any of the following information, unless otherwise prohibited:

1. The name of the owner, occupant, management, business, or building;
2. The address;
3. The type of business, profession, service or activity; and
4. The type of products offered.

SIGN, INCIDENTAL

A sign pertaining to a major service, commodity, or facility offered on the premises and is incidental to and subordinate to primary signs listed in this Article.

SIGN, MARQUEE

A sign attached to, in any manner, or made part of a marquee.

SIGN, OBSOLETE

A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product, or activity conducted or product available on the premises where such sign is displayed.

SIGN, OFF-PREMISES ADVERTISING

An outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing designed, intended or used to advertise or inform the traveling public of an establishment, products, services, entertainment, or other information which is not sold, produced, or furnished upon the property in which the sign is located.

SIGN, OPEN LETTER

A wall sign consisting of individual or connected lettering not mounted on any type of background other than a building or the surface of an integral architectural element which is a

part of a building. The surface which forms the background for the letters shall not be illuminated from behind.

SIGN, PAPER

A temporary sign made of paper, cardboard or similar material.

SIGN, PARKING DIRECTION

A sign indicating the entrance or exit to a parking lot.

SIGN, PARKING REGULATION

A sign stating the regulations for use of a parking lot or individual or groups of parking spaces therein.

SIGN, PERMANENT

All signs which are not temporary signs.

SIGN, PORTABLE

A sign that is not permanently affixed to the ground, a building, or other structure and that is designed to be used by resting upon the ground for support and may be easily transported, including but not limited to A-frame or sandwich board signs.

SIGN, PUBLIC SERVICE MESSAGE

An electronic or electrically controlled public service message sign which conveys only information such as time, date, temperature, atmospheric conditions, or general news information where different alternating copy changes are shown on the same lamp bank matrix without giving the appearance of directional movement.

SIGN, REAL ESTATE

A sign pertaining to the sale or lease of real estate.

SIGN, ROOF

A sign erected on or above a roof, parapet, or roof eave, when installed in a manner such that the sign or any portion thereof extends beyond the limits of the visible surface of the roof or wall when viewed from normal eye level from the centerline of the adjacent public right-of-way.

SIGN, TEMPORARY

A sign which is not illuminated and is not permanently installed or affixed to any sign, structure or building.

SIGN, WALL

Any sign attached and parallel to a wall or similar architectural element which is an integral part of a building. For signs located within the "CC" Core Commercial District, a "wall sign" shall also mean any sign attached and perpendicular to a wall or similar architectural element which is an integral part of a building.

SIGN, WINDOW

Any sign painted on, attached to or displayed in a window so as to direct attention of persons outside the building to a product or activity of the institution or business on the premises.

SITE COVERAGE (SEE ALSO "BUILDING COVERAGE")

The area of the site which is covered by buildings, driveways, parking lots, loading areas, but excluding open spaces, plazas, pedestrian circulation, and buffer areas.

SORORITY HOUSE

See "*FRATERNITY OR SORORITY HOUSE*".

SPECIFIED ANATOMICAL AREAS [Ord. No. 7010 §2, 3-14-2016]

- A. Less than completely and opaquely covered human genitals, pubic region or pubic hair, buttocks or a female breast or breasts below a point immediately above the top of the areola.
- B. Human male genitals in a discernibly turgid state, even if fully and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES [Ord. No. 7010 §2, 3-14-2016]

- A. Includes the following:
 - 1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts, whether covered or uncovered; or
 - 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy; or
 - 3. Masturbation, actual or simulated; or
 - 4. Excretory functions as part of or in connection with any of the activities set forth in Subsections (1) through (3) above.

STORY

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

STREET FRONTAGE

The length of the property line of any one (1) premises along each public right-of-way it borders and to which direct vehicular access is provided.

STRUCTURE

Anything constructed or erected with a fixed location on the ground, or attached to something having or requiring a fixed location on the ground.

SUBSTANTIAL ADDITION

An increase of twenty-five percent (25%) or more in the gross floor area of any building.

SUBSTANCE ABUSE TREATMENT CENTER

Any premises, other than a convalescent home, nursing home, hospital or office, providing treatment and rehabilitation for alcoholism, drug abuse or both.

TATTOO PARLOR

A business which offers the service of the application of tattoos to patrons.

TEMPORARY PROMOTIONAL DISPLAY

A temporary sign or signs displayed so as to attract attention to the sale of merchandise or services, or a change in policy or in the status of a business.

TERRACE

A level, landscaped and/or surfaced area at or above grade level, not covered by a permanent roof, and usually directly adjacent to a principal building.

TITLE LENDER

An establishment, other than a pawnbroker, engaged in the business of making title loans, including, but not limited to, establishments qualified to do so pursuant to Sections 367.500 to 367.530, RSMo. It shall not be considered an office within the meaning in this Chapter.

USE

The purpose or activity for which land or a building thereon is designed, arranged or intended or for which it is maintained, and shall include any manner or performance of such activity with respect to the performance requirements of this Chapter.

USE CERTIFICATE

A permit issued by the Zoning Administrator prior to occupancy of any non-residential structure.

VEHICLE REPAIR FACILITY

A building designed and used for the repair or refinishing of automobiles and light trucks, including both minor and major mechanical overhauling or replacement, painting, and body work. Major repairs may include the removal and installation of engines, radiators, transmissions, differentials, fenders, doors, bumpers or other major body or mechanical parts; but not including tire recapping or vulcanizing, outdoor storage of wrecked or otherwise damaged and immobilized vehicles, or the sale of motor vehicles.

VEHICLE SERVICE FACILITY

A building designed and used for performing minor repairs or maintenance services on automobiles and trucks. Such minor repairs and services include tune-ups, changing flat tires, repairing electrical systems, replacing hoses, replacing filters, installing minor accessories, adding or replacing lubricants, coolant, refrigerant, or other vehicle fluids; the sale of parts and supplies associated with such services; but not including the sale of motor vehicles.

WALL, EXTERIOR

A wall fully exposed to the outside air which forms the perimeter of a building or structure. Where a building or structure is not wholly surrounded by exterior walls, then the exterior wall shall be considered as the vertical projection between the edge of the roof above and the floor of ground area below.

WAREHOUSE, SELF-SERVICE STORAGE

A building or group of buildings with controlled access that contains individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.

YARD

An open space on the same zoning lot with a principal building or group of buildings which is unoccupied and unobstructed from its lowest level upward except as otherwise permitted in this Chapter, and which extends along a lot line and at right angles thereto to a distance specified in the dimensional regulations for the district in which the zoning lot is located.

YARD, FRONT

A yard extending across the full width of the zoning lot and lying between the required front building setback line and the front lot line of the zoning lot. For establishing building setbacks, a corner lot is considered to have two (2) or more front yards.

YARD, REAR

A yard extending across the full width of the zoning lot and lying between the rear lot line and the required rear building setback line.

YARD, SIDE

A yard lying between the side lot line of the zoning lot and the nearest line of the required side building setback line and extending from the front yard to the rear yard.

ZERO LOT LINE RESIDENTIAL DEVELOPMENT

A detached single-family residential development where one (1) or more of the exterior walls of the single-family dwellings rest directly on a lot line.

ZONING LOT

See "*LOT, ZONING*".

Section 400.510. Conditional Uses.

A. The following land uses and developments may be permitted in the "GC" district, subject to the issuance of a conditional use permit in accordance with the procedures and standards contained in Article XI, "Conditional Uses":

1. All permitted land uses and developments which include drive-through facilities;
2. Amusement centers, indoor;
3. Amusement centers, outdoor;
4. Animal boarding facilities;
5. Animal hospitals and veterinary clinics;
6. Automobile and light truck sales and leasing, subject to the limitations contained in Section **400.530**;
7. Bars and taverns;
8. Banquet/reception halls and bingo halls;
9. Blood banks, except those operated within a hospital or those operated by a not-for-profit corporation for a period not to exceed ten (10) days in any twelve (12) consecutive months;
10. Boat and recreational vehicle sales and leasing, subject to the limitations contained in Section **400.530**;
11. Bowling alleys;
12. Building material sales and storage;
13. Car wash for automobiles and light trucks;
14. Comprehensive marijuana cultivation facility;
15. Comprehensive marijuana dispensary facility;
16. Comprehensive marijuana-infused products manufacturing facility;
17. Convenience stores;
18. Gasoline stations;
19. Hospitals or surgery clinics;
20. Hotels or motels;
21. Marijuana testing facility;
22. Medical marijuana cultivation facility;
23. Medical marijuana dispensary facility;
24. Medical marijuana-infused products manufacturing facility;
25. Microbusiness dispensary facility;
26. Microbusiness wholesale facility;
27. Mortuaries;
28. Packaged liquor stores, as a principal use;
29. Pawnshops;
30. Public utility facilities;
31. Resale/thrift shop;
32. Substance abuse treatment centers (inpatient or outpatient);
33. Tattoo parlor;
34. Taxicab, limousine, and small bus facilities;
35. Vehicle repair facilities;
36. Vehicle service facilities;

37. Warehouses associated with retail businesses, where the warehouse portion exceeds fifty percent (50%) of the total gross floor area;
38. Warehouses, self-service storage.

Section 400.570. Conditional Uses.

- A. The following land uses and developments may be permitted in the "CC" district, subject to the issuance of a conditional use permit in accordance with the procedures and standards contained in Article XI, "Conditional Uses":
1. All permitted land uses and developments which include drive-through facilities;
 2. Amusement centers (indoor);
 3. Bars and taverns
 4. Comprehensive marijuana dispensary facility;
 5. Day care center;
 6. Dwellings units, when located above the ground floor;
 7. Hotels;
 8. Medical marijuana dispensary facility;
 9. Microbusiness dispensary facility;
 10. Parking lots and structures, as a principal use, but not for the storage of wrecked or otherwise damaged or immobilized vehicles;
 11. Public utility facilities;
 12. Resale/thrift shop;
 13. Tattoo parlor.

Section 400.620. Permitted Uses.

- A. The following land uses and developments are permitted in the "IC" district. In addition to the land uses permitted in this district, certain other uses may be conditionally allowed per Section 400.630. Other uses not listed, which are determined by the Zoning Administrator to be identical or similar to one (1) or more of the following uses, are permitted as well. When an unlisted use is proposed, which appears to meet the intent of this district but its potential impact is uncertain, then such use shall be considered a conditional use.
1. Accessory uses (see Article V "Supplementary Regulations", Division 3);
 2. Building contractors office and material storage;
 3. Building material sales and storage;
 4. Car wash for automobiles and light trucks;
 5. Comprehensive marijuana dispensary facility;
 6. Ice processing, sales and storage;
 7. Light manufacturing, fabricating, assembly, disassembly, or processing of goods and products, such as the following:
 - a. Appliances, small;
 - b. Books, magazines, and other printed materials;
 - c. Clothing;
 - d. Electrical components, small, such as small motors and switching devices;
 - e. Metal plating;
 - f. Paper products, but not paper milling;
 - g. Pharmaceuticals;
 - h. Plastics and fiberglass;

- i. Wood assembly and finishing;
- 8. Machinery and equipment sales;
- 9. Machine shops;
- 10. Medical marijuana dispensary facility;
- 11. Microbusiness dispensary facility;
- 12. Offices;
- 13. Offices, medical and dental;
- 14. Outdoor dining.
- 15. Parking lots and structures, as a principal use;
- 16. Places of worship;
- 17. Plumbing, air-conditioning, and heating equipment sales and services;
- 18. Recreation facilities, commercial; or health clubs;
- 19. Research laboratories and facilities, provided the use is not classified by the University City Building Code as being in the high hazard group;
- 20. Restaurants;
- 21. Restaurants, fast-food;
- 22. Retail sales and services;
- 23. Schools for business, professional, or technical training;
- 24. Sign shops;
- 25. Vehicle service facilities;
- 26. Warehouses, self-service storage;
- 27. Warehouses, wholesale establishments, and distribution centers;
- 28. Welding services.

Section 400.630. Conditional Uses.

- A. The following land uses and developments may be permitted in the "IC" district, subject to the issuance of a conditional use permit in accordance with the procedures and standards contained in Article XI, "Conditional Uses":
 - 1. All permitted land uses and developments which include drive-through facilities;
 - 2. Amusement centers, indoor;
 - 3. Amusement centers, outdoor;
 - 4. Animal boarding facilities;
 - 5. Animal hospitals and veterinary clinics;
 - 6. Automobile and light truck sales and leasing, subject to the limitations contained in Section 400.650;
 - 7. Banquet/reception halls and bingo halls;
 - 8. Bars and taverns;
 - 9. Blood banks, except those operated within a hospital or those operated by a not-for-profit corporation for a period not to exceed ten (10) days in any twelve (12) consecutive months;
 - 10. Boat and recreational vehicle sales and leasing, subject to the limitations contained in Section 400.650;
 - 11. Comprehensive marijuana cultivation facility;
 - 12. Comprehensive marijuana-infused products manufacturing facility;
 - 13. Convenience stores;
 - 14. Day care centers;
 - 15. Gasoline stations;

16. Marijuana testing facility;
17. Medical marijuana cultivation facility;
18. Medical marijuana-infused products manufacturing facility;
19. Microbusiness wholesale facility;
20. Packaged liquor stores, as a principal use;
21. Pawnshops;
22. Public utility facilities;
23. Recycling centers;
24. Recycling collection point;
25. Resale/thrift shop;
26. Short-term loan establishments;
27. Substance abuse treatment centers (inpatient or outpatient);
28. Tattoo parlor;
29. Taxicab, limousine, and small bus facilities;
30. Title lender establishments;
31. Vehicle repair facilities.

Division 15. Marijuana Regulations

Section 400.1495. Standards for Cultivation, Dispensary, Infused Product Manufacturing, Testing, and Warehouse Facilities.

- A. Standards for Marijuana Dispensary Facility. No building shall be constructed, altered, or used for a marijuana dispensary facility without complying with the following regulations:
 1. Buffer Requirement. No marijuana dispensary facility shall be located within five hundred (500) feet of an existing elementary or secondary school, licensed child day-care center, or church. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.
 2. Residential Zoning Buffer Requirement. No marijuana dispensary facility shall be located within one hundred fifty (150) feet of a residential zoning district. Measurements shall be made in a straight line, without regard to intervening structures, from the main public entrance of the marijuana dispensary facility to the nearest property line of the residential zoning district.

3. Outdoor Operations or Storage Prohibited. All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
4. Hours of Operation. All marijuana dispensary facilities shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 10:00 p.m. and 8:00 a.m.
5. Display of License Required. The marijuana dispensary facility license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
6. Residential Dwelling Units Prohibited. No marijuana dispensary facility shall be located in a building that contains a residence.
7. Ventilation Required. All marijuana dispensary facilities shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the facility. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the marijuana dispensary facility is located.

Standards for Marijuana Cultivation, Infused Product Manufacturing, Testing and Warehouse Facilities. No building shall be constructed, altered, or used for a marijuana cultivation, infused product manufacturing, testing for warehouse facility without complying with the following regulations:


1. Buffer Requirement. No marijuana cultivation, infused product manufacturing, testing or warehouse facility shall be located within one thousand (1,000) feet of an existing elementary or secondary school, licensed child day-care center, or church. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.
2. Residential Zoning Buffer Requirement. No marijuana cultivation, infused product manufacturing, testing or warehouse facility shall be located within one thousand (1,000) feet of a residential zoning district. Measurements between the facility and the residential zoning district shall be measured from the property line of the facility to the closest point of the property line of the residential zoning district. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.
3. Outdoor Operations or Storage Prohibited. All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.

4. Hours of Operation. All marijuana cultivation, infused product manufacturing, testing or warehouse facilities shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 10:00 p.m. and 8:00 a.m.
5. Display of License Required. The marijuana cultivation, infused product manufacturing, testing or warehouse license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
6. Residential Dwelling Units Prohibited. No marijuana cultivation, infused product manufacturing, testing or warehouse facility shall be located in a building that contains a residence.
7. Ventilation Required. All marijuana cultivation, infused product manufacturing, testing or warehouse facilities shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the facility. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.

Section 2. The buffer requirement in Section 400.1495.A.1 shall not apply to any Medical Marijuana Dispensary lawfully operating under a conditional use permit as of the effective date of this ordinance and any such facility may convert to a Comprehensive Marijuana Dispensary facility at the same location if the facility meets all other requirements of this ordinance.

Section 3. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED and ADOPTED this 27th day of February, 2023.



Mayor

ATTEST:



City Clerk

CERTIFIED TO BE CORRECT AS TO FORM:



City Attorney

