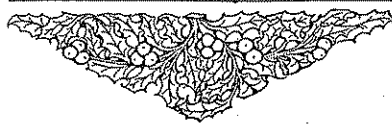


EXHIBIT B — OLIVER

Zoning Ordinance
of
St. Louis, Mo.



Effective
May 26, 1926

Ordinance 35003

In order to avail itself of the powers conferred by an Act of the General Assembly, approved on the 30th day of April, 1925, Laws of Missouri, 1925, page 309, the City of St. Louis, through its legislative body, has heretofore appointed the members of its City Plan Commission to be and constitute a commission known as the Zoning Commission, to recommend the boundaries of the various original districts into which it is proposed, for the purpose of this ordinance and pursuant to said Act, to divide the City and to recommend appropriate regulations to be enforced therein. Pursuant to said appointment, said Zoning Commission has prepared and made a preliminary report, held public hearings thereon, and thereafter made and submitted to the Board of Aldermen its final report, recommending the boundaries of said original districts and the regulations to be enforced therein.

An ordinance to regulate and restrict the height, number of stories, bulk, volume and size of buildings and structures, the size of yards, courts and other open spaces, the location, erection, alteration and use of buildings, structures and land for the purpose of promoting the health, safety, morals and general welfare of the City of St. Louis; and for said purposes to divide the City of St. Louis into districts; to provide for change of the regulations, restrictions and boundaries of such districts; to provide for a Board of Adjustment; to provide for enforcement, to prescribe penalties for violation of the provisions hereof.

Be it ordained by the City of St. Louis as follows:

Section One. Definitions. For the purpose of this ordinance certain terms and words are hereby defined, as follows:

Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "lot" shall include the word "plot"; and the word "shall" is mandatory and not direc-

tory. Any terms not herein defined shall be construed as defined in the "Building Ordinance of the City of St. Louis."

1. Accessory Building. A subordinate building, or a portion of the main building, the use of which is incidental to that of the main building or to the use of the premises.

2. Apartment House. See "Dwellign—Multiple."

3. Basement. A story, partly, but not more than one-half of its height below the level of a street grade or ground nearest the building. A basement shall not be counted as a story for the purposes of height regulation, unless it is subdivided, rented, sold or leased for dwelling purposes.

4. Boarding House. Any dwelling other than a hotel, where meals, or lodging and meals, for compensation are provided for five (5) or more persons.

5. Building. Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind; and when separated by party walls without openings, each portion of such building, so separated, shall be deemed a separate building.

6. Buildable Width or Buildable Depth. The width or depth respectively of that part of the lot not included within the open spaces herein required.

7. Cellar. A story having more than one-half ($\frac{1}{2}$) of its height below the level of a street grade or ground nearest the building. A cellar shall not be included in computing the height or number of stories of buildings referred to in any part of this ordinance.

8. Court, Enclosed. The term "enclosed court" when used in this ordinance means an open unoccupied space surrounded on all sides by walls, or by walls and a lot line.

9. Court, Outer. An open unoccupied space opening on to a street, alley or yard.

10. Dwelling. Any building, or portion thereof, which is designed or used exclusively for residential purposes.

11. Dwelling—One Family. A building designed for or occupied exclusively by one family.

12. Dwelling—Two Family. A build-

ing designed for or occupied exclusively by two families.

13. Dwelling—Multiple. A building designed for or occupied by more than two families.

14. Family. A group of one or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel, as herein defined.

15. Garage, Private. A garage with a capacity of not more than four (4) power-driven vehicles for storage only, and which is erected as an accessory to a dwelling. A private garage may exceed a four (4) vehicle capacity provided the area of the lot whereon such a private garage is to be located shall contain not less than one thousand (1000) square feet for each vehicle stored.

16. Garage, Public. Any premises, except those described as a private or storage garage, used for the storage or care of power-driven vehicles or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

17. Garage, Storage. Any premises, except those described as a private or public garage, used exclusively for the storage of power-driven vehicles.

18. Height of Building. The vertical distance measured from the highest ground level at the building to the highest point of the roof beams in case of flat roofs, to the deck line of mansard roofs, and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

19. Hotel. Any building occupied as the abiding place of persons, who are lodged with or without meals; in which, as a rule, the rooms are occupied singly for hire; and in which there are more than fifty (50) sleeping rooms.

20. Lodging House. A dwelling other than a hotel where lodging for compensation is provided for five or more persons.

21. Lot. Land occupied or to be occupied by a building and its accessory buildings and including, as a minimum, such open spaces as are required under this ordinance, and having frontage either on a public

street, an officially approved place or a private residence street of record at the time of the passage of this ordinance.

22. Lot, Corner. A lot fronting on two or more streets at their intersection.

23. Lot, Interior. A lot other than a corner lot.

24. Lot, Through. An interior lot having frontage on two streets.

25. Lot Lines. Lines bounding a lot, as defined herein.

26. Non-Conforming Use. Any use of a building or premises that does not conform with the regulations of the Use District in which it is situated.

27. Place. An open unoccupied space dedicated to purposes of access to abutting property.

28. Stable, Private. A stable with a capacity for not more than four (4) horses or mules.

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

30. Story—Half. A story immediately under a sloping roof, which has the point of intersection of the top line of the rafters and the face of the walls not to exceed three (3) feet above the top floor level, the floor area of which does not exceed two-thirds of the floor area immediately below it, and which does not contain an independent apartment.

31. Street. A public thoroughfare thirty (30) feet or more in width.

32. Structural Alteration. A change in any of the supporting members of a building.

33. Yard. Any space in the same lot with a building, open and unobstructed from the ground to the sky.

34. Yard—Front. The minimum horizontal distance between the street line and the building or any projection thereof other than steps, unenclosed balconies and unenclosed porches.

35. Yard—Rear. The yard between the rear of the building and the lot line most nearly parallel thereto.

36. Yard—Side. The yard between the side of the building and the lot line most nearly parallel thereto and

extending from the street line to the rear yard.

Use Districts.

Section 2. In order to regulate and restrict the location, erection, alteration or use of buildings, structures or land, the City of St. Louis is hereby divided into five (5) Use Districts, known as:

1. Residence District.
2. Multiple Dwelling District.
3. Commercial District.
4. Industrial District.
5. Unrestricted District.

The City of St. Louis is hereby divided into the five (5) districts aforesaid and the boundaries of such districts are shown upon the map attached hereto, being designated as the Use District Map, and which is hereby made a part of this ordinance, and said map and all the notations, references and other information shown thereon shall be as much a part of this ordinance as if the matters and information set forth by said map were all fully described herein. Except as hereinafter provided no building shall be erected, reconstructed or structurally altered, nor shall any building or premises be used for any purposes other than is permitted in the Use District in which such building or premises is located.

Residence District.

Section Three. In the Residence District no building or premises shall be used and no building therein shall be erected or structurally altered except for the following purposes:

1. One Family Dwelling.
2. Two Family Dwelling (See Section 15, Clause A).
3. Church.
4. Schools offering instruction in primary, secondary or collegiate courses of study.
5. Library, museum, playground, park, or recreational buildings which are owned or operated by the Municipality.
6. Accessory Buildings; including one private garage or private stable when located not less than (30) thirty feet from the front lot line and not less than five (5) feet from any side street line, or a private garage constructed as a part of the main building.

7. Uses customarily incidental to any of the above purposes, including:

- A—One (1) name plate of the occupant of a premises which shall not exceed one (1) square foot in area.
- B—One (1) temporary sign not exceeding twelve (12) square feet in area, appertaining to the lease, hire or sale of a building or premises.
- C—One (1) name plate, name sign or bulletin board, at the entrance to a church or similar institution, and which shall not exceed twenty-five (25) square feet in area.

Multiple Dwelling District.

Section Four. In the Multiple Dwelling District no building or premises shall be used and no building therein shall be erected or structurally altered except for the following purposes:

1. Any use permitted in the Residence District.
2. Multiple Dwelling.
3. Hotel.
4. Private Club or Lodge, excluding any which has as its chief activity a service customarily carried on as a business.
5. Boarding or Lodging House.
6. Hospital or clinic.
7. An institution of an educational, philanthropic or eleemosynary nature.
8. Accessory buildings; including private and storage garages when located on the same lot not less than thirty (30) feet from the front lot line, and not less than five (5) feet from any side street line unless constructed as a part of the main building; however, it shall be permissible to maintain and operate a storage garage in the basement or on the ground floor of fireproof hotels and apartments, which garage is to be operated and maintained for the use of the guests or tenements residing within such hotel or apartment.

9. Uses customarily incidental to any of the above purposes, including:

- A—One (1) name plate of the occupant of a premises which shall not exceed one (1) square foot in area.
- B—One (1) temporary sign not exceeding twelve (12) square feet in area, appertaining to the lease, hire or sale of a building or premises.
- C—One (1) name plate, name sign or bulletin board, at the entrance to

a hotel, apartment or church or similar institution, and which shall not exceed twenty-five (25) square feet in area.

D—Concessions and service accessible only from within a building.

Commercial District.

Section Five. In the Commercial District all buildings and premises may be used for any purpose except the following:

1. Bakery, wholesale.
2. Blacksmith or horseshoeing shop.
3. Bottling works.
4. Building material storage yard.
5. Carting, express, hauling or storage yard.
6. Contractor's plant or storage yard.
7. Cooperage works.
8. Dyeing and cleaning works (employing in the trade on the premises more than five (5) persons).
9. Fish packing, smoking and curing.
10. Fuel distributing plants and fuel storage yards, wholesale.
11. Ice plant or ice storage house, wholesale.
12. Laundry.
13. Livery stable, live stock barn or corral.
14. Lumber yard.
15. Machine shop (employing more than ten (10) persons).
16. Milk distributing station, wholesale.
17. Paint mixing, wholesale.
18. Planing Mill.
19. Poultry killing, dressing, or live storage except for retail sale on the premises.
20. Public storage warehouse.
21. Stone yard.
22. All uses excluded from the Industrial District.

23. Any manufacture other than the manufacture of products clearly incidental to the conduct of a retail business conducted on the premises.

Industrial District.

Section Six. In the Industrial District all buildings and premises may be used for any purpose except the following:

1. Abattoir.
2. Acetylene Gas manufacture.
3. Acid manufacture.

4. Ammonia, bleaching powder or chlorine manufacture.
5. Arsenal.
6. Asphalt manufacture or refining.
7. Bag cleaning.
8. Blast furnace.
9. Boiler Works.
10. Brick, tile or terra cotta manufacture.
11. Candle manufacture.
12. Celluloid manufacture.
13. Cement, lime, gypsum or plaster of paris manufacture.
14. Coke oven.
15. Creosote treatment or manufacture.
16. Dextrine, glucose and starch manufacture.
17. Distillation of bones, coal or wood.
18. Dye stuff manufacture (not including chemical dyes).
19. Emery, emery cloth and sand paper manufacture.
20. Fat rendering.
21. Fertilizer manufacture.
22. Fireworks or explosive manufacture or storage.
23. Flour milling.
24. Forge plant.
25. Fuel manufacture.
26. Gas (illuminating or heating) manufacture.
27. Glass manufacture.
28. Glue, size or gelatine manufacture.
29. Incineration, reduction or dumping of garbage, dead animals, offal or refuse.
30. Iron, steel, brass or copper works or foundry (unless electrically operated).
31. Lamp black manufacture.
32. Match manufacture.
33. Meat packing.
34. Oilcloth or linoleum manufacture.
35. Oiled goods manufacture from raw materials.
36. Ore reduction.
37. Paper pulp manufacture.
38. Paint materials manufacture.
39. Petroleum products refining (or wholesale storage thereof).
40. Potash or washing soda manufacture.
41. Printing ink manufacture.
42. Pyroxolin manufacture.
43. Rock crushing.
44. Rolling mill.

45. Rubber or gutta percha manufacture.
46. Salt works.
47. Saw mill.
48. Smelting or refining of metals.
49. Soap manufacture from refuse.
50. Stock yard, corral or pen.
51. Stone mill or quarry.
52. Storage of scrap paper, iron, bottles, rags or junk.
53. Stove or shoe polish manufacture.
54. Sugar refining.
55. Tanning, curing or storage of green salted hides or skins, or leather dressing or coloring.
56. Tar distillation or manufacture.
57. Tar roofing or water proofing manufacture.
58. Tobacco (chewing) manufacture or treatment.
59. Vinegar, sauerkraut or pickle manufacture.
60. Wool pulling or scouring.
61. Yeast manufacture.
62. Any use which is a nuisance per se.

Unrestricted District.

Section Seven. In the Unrestricted District buildings and premises may be used for any purpose whatsoever not in conflict with any ordinance of the City of St. Louis, regulating nuisances; provided, however, that no premises shall be occupied or no permit shall be issued for any of the following uses unless the location of such use shall have been approved and a special permit granted by the Board of Public Service.

1. Acid manufacture.
2. Cement, lime, gypsum or plaster-of-paris manufacture.
3. Fireworks, explosives, manufacture or storage.
4. Fertilizer manufacture and potash refining.
5. Fuel manufacture.
6. Garbage, offal or dead animals, reduction or dumping.
7. Glue manufacture, fat rendering or distillation of bones.
8. Petroleum refining.
9. Smelting or refining of metals.
10. Stock yard or abattoir.
11. Stone mill or quarry.

Non-Conforming Use.

Section Eight. The lawful use of land existing at the time of the

adoption of this ordinance, although such use does not conform to the provisions hereof, may continue.

The lawful use of a building existing at the time of the adoption, amendment, supplement or change of this ordinance may continue, although such use does not conform with the provisions hereof, and such use may be extended throughout the building, provided no structural alterations, except those required by law or ordinance, are made therein. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or a more restricted classification. Any building which has been designed and erected for a definite purpose and is used for such purpose before the passage of this ordinance shall be permitted to be continued for such use, even though non-conforming, even in view of a lapse of time having existed between the discontinuance of its use and the commencement of same.

The Board of Public Service will have the power, and it shall be its duty:

1. To permit a temporary building in a residence or multiple dwelling district when such temporary building is incidental to the residential development, such permit to be used for not more than one (1) year.
2. To permit the erection or extension or use of a building or the use of a premises in any location for a public service corporation for public utility purposes which is clearly necessary for the public convenience or welfare.
3. To permit dwelling accommodations for servants within an accessory building in the Residence District.
4. To issue special permits for the occupancy of premises for the uses enumerated in Section 7 hereof, when not in conflict with any ordinances of the City of St. Louis regulating nuisances.

Height and Area Districts.

Section Nine. In order to regulate and determine the height and bulk of buildings hereafter erected, reconstructed or structurally altered; and to regulate and determine the area of

yards or other open spaces surrounding buildings, the City of St. Louis is hereby divided into districts of which there shall be five (5) known as:

- "A" Height and Area District.
- "B" Height and Area District.
- "C" Height and Area District.
- "D" Height and Area District.
- "E" Height and Area District.

The boundaries of such districts, shown upon the map attached hereto and made a part of this ordinance, are hereby established, said map being designated as the "Height and Area District Map of the City of St. Louis, showing Districts for Height and Area Regulations," and said map and all the notations, references and other information thereon shall be as much a part of this ordinance as if the matters and information set forth by said map were all fully described herein. Except as hereinafter provided no building shall be erected, reconstructed or structurally altered except in conformity with the regulations herein established for the Height and Area District in which such building is located.

Section Ten. "A" Height and Area District. The height of buildings, and the minimum dimensions of yards or courts shall be as follows:

Height—Except as hereinafter provided in Clauses B and C of Section Fifteen, no building shall exceed forty-two (42) feet or three (3) stories.

Rear Yard—There shall be a rear yard having a minimum depth of twenty-five (25) feet, except on corner lots. In computing the depth of a rear yard one-half (½) of an alley shall be assumed to be a part of the rear yard. Where an alley does not exist a side yard of at least ten (10) feet in width must be provided.

Side Yard—There shall be a side yard on each side of a building of not less than four (4) feet in width, provided, however, that on a lot having a width of forty (40) feet or less, and of record or by existing contract of purchase at the time of the passage of this ordinance, there shall be a side yard on each side of a building of not less than three (3) feet in width.

Front Yard—1. Except as hereinafter provided in Clause L of Section 15, where twenty-five (25) per

cent or more of all property according to front feet on one (1) side of a street between two (2) intersecting streets at the time of the passage of this ordinance is built up with buildings, a majority of which have observed or conformed to a mean (average) front yard line with a variation of not more than six (6) feet, no building shall hereafter be erected or structurally altered so as to project beyond such mean (average) front yard line.

2. Where the building line shown on the plat of record is less than twenty-five feet, this line shall be observed.

3. In all other instances not provided for by the preceding regulation there shall be a front yard depth of not less than twenty-five (25) feet, except that building on corner lots shall only observe the front yard line above established on those sides of a block upon which interior lots have been platted and are of record or by existing contract of purchase, provided this regulation shall not be so interpreted as to reduce the buildable width of a corner lot to less than twenty-six (26) feet nor the buildable depth to less than fifty (50) feet.

4. These regulations shall not be so interpreted as to require a front yard line of more than fifty (50) feet in any instance.

Enclosed Courts—If enclosed courts are provided they shall be at least six (6) feet in width, but in no case shall the width be less than three (3) inches for each foot of building height and the length shall equal twice the width or have area equivalent thereto.

Outer Courts—If outer courts are provided they shall be at least four (4) feet in width, but in no case shall the width of such outer courts be less than two (2) inches for each foot of building height, and in no case less than one and one-half (1½) inches in width for each foot of building length from the closed end.

Section Eleven. "B" Height and Area District. The height of buildings and the minimum dimensions of yards or courts shall be as follows:

Height—No building shall exceed eighty-five (85) feet or eight (8) stories.

Rear Yard—There shall be a rear

yard having a minimum depth of seventeen & one-half (17½) feet on interior lots only extending across the entire width of the lot, provided, however, where the rear of such lot abuts upon a public alley one-half (½) of the alley shall be assumed as a part of the rear yard. Alley shall not be assumed to be less than fifteen (15) feet in width.

Side Yard—There shall be a side yard on each side of a building of not less than four (4) feet in width, provided, however, that on a lot having a width of forty (40) feet or less, and of record or by existing contract of purchase at the time of the passage of this ordinance, there shall be a side yard on each side of a building of not less than three (3) feet in width. Where rooms other than bathrooms are dependent upon side yards for light and air, the side yard shall be increased in width one (1) foot for each story, above the second, or in lieu thereof, an outer court shall be provided.

Front Yard—1. Except as hereinafter provided in Clause L of Section 15, where twenty-five (25) per cent or more of all the property according to front feet on one (1) side of a street between two (2) intersecting streets at the time of the passage of this ordinance is built up with buildings, a majority of which have observed or conformed to a mean (average) front yard line with a variation of not more than six (6) feet, no building shall hereafter be erected or structurally altered so as to project beyond such mean (average) front yard line.

2. Where the building line shown on the plat of record is less than twenty-five feet, this line shall be observed.

3. In all other instances not provided for by the preceding regulations there shall be a front yard line of not less than twenty-five (25) feet, except that buildings on corner lots shall only observe the front yard line above established on those sides of a block upon which interior lots have been platted and are of record or by existing contract of purchase, provided this regulation shall not be so interpreted as to reduce the buildable width of a corner lot to less than thirty-four (34) feet nor the

buildable depth to less than fifty (50) feet.

4. These regulations shall not be so interpreted as to require a front yard line of more than fifty (50) feet in any instance.

Enclosed Courts—If enclosed courts are provided they shall be at least six (6) feet in width, but in no case shall the width be less than two (2) inches for each foot of building height and the length shall equal twice the width or have area equivalent thereto.

Outer Courts—If outer courts are provided they shall be at least four (4) feet in width, but in no case shall the width thereof be less than one and one-half (1½) inches for each foot of building height and in no case less than one and one-half (1½) inches in width for each foot of length from the closed end.

Section Twelve. "C" Height and Area District. The height of buildings and the minimum dimensions of yards or courts shall be as follows:

Height—Buildings may be erected to such height that the cubical contents of said buildings shall not exceed the volume of a building one hundred and twenty (120) feet in height and having the prescribed yards or courts as defined herein.

Rear Yard—There shall be a rear yard having a minimum depth of seventeen and one-half (17½) feet on interior lots only extending across the entire width of the lot, provided, however, where the rear of such lot abuts upon a public alley one-half (½) of the alley shall be assumed as a part of the rear yard. Alley shall not be assumed to be less than fifteen (15) feet in width.

Side Yard—There shall be a side yard of not less than three (3) feet in width on each side of a building, provided, however, that where rooms other than bathrooms are dependent upon side yards for light and air, the side yard shall be increased in width one (1) foot for each story, above the second, or in lieu thereof, an outer court shall be provided as required in the building ordinances.

Front Yard—1. Where twenty-five (25) per cent or more of all the property according to front feet on one (1) side of a street between two (2) intersecting streets at the time

of the passage of this ordinance is built up with buildings, a majority of which have observed or conformed to a mean (average) front yard line with a variation of not more than six (6) feet, no building shall hereafter be erected or structurally altered so as to project beyond such mean (average) front yard line.

2. Where the building line shown on the plat of record is less than twenty-five (25) feet, this line shall be observed.

3. In all other instances not provided for by the preceding regulation there shall be a front yard line of not less than twenty-five (25) feet, except that buildings on corner lots shall only observe the front yard line above established on those sides of a block upon which interior lots have been platted and are of record or by existing contract of purchase, provided this regulation shall not be so interpreted as to reduce the buildable width of a corner lot to less than twenty-nine (29) feet nor the buildable depth to less than fifty (50) feet.

4. These regulations shall not be so interpreted as to require a front yard line of more than fifty (50) feet in any instance.

Enclosed Courts—If enclosed courts are provided they shall have a width of not less than six (6) feet, but in no case shall they be less than two (2) inches wide for each foot of building height, and the length of such enclosed courts shall equal twice the width or have area equivalent thereto.

Outer Courts—If outer courts are provided they shall have a width of not less than four (4) feet, but in no case shall they be less than one (1) inch in width for each foot of building height and in no case shall the width of such outer courts be less than one (1) inch for each foot of length from the closed end.

Section Thirteen. "D" Height and Area District. The height of buildings and the minimum dimensions of yards and courts shall be as follows: provided, however, that buildings hereafter erected or structurally altered, in whole or in part, for residential purposes shall comply with the side yard and rear yard regulations of the "C" Height and Area District in that part of the building,

according to stories, which is designed, used or intended for occupancy for dwelling purposes:

Height—Buildings, except as hereinafter provided, may be erected to such height that the cubical contents of said building above the established grade shall not exceed the volume of a prism having a base equal to the projected horizontal area of the building, and a height of one hundred fifty (150) feet.

In the case of buildings occupying a lot having frontage on intersecting streets, and which buildings are so designed as to provide a set-back or open space at the corner or corners where such street intersections occur, or which set back on the street fronts, when such set-backs begin below the one hundred fifty (150) foot height above the established grade, the volume determined by the above rule may be exceeded by an amount equal to the volume so taken out of the reference prism of one hundred fifty (150) feet height; provided, however, that the total volume of the actual building shall not exceed by more than twenty-five (25) per cent the volume of said reference prism of one hundred fifty (150) feet height.

Enclosed Courts—If enclosed courts are provided they shall be not less than four (4) feet in width, but shall in no case be less than one (1) inch wide for each foot of building height, and the length of such enclosed courts shall equal twice the width or have area equivalent thereto.

Outer Courts—If outer courts are provided they shall be not less than four (4) feet in width, but shall in no case be less than one (1) inch wide for each foot of building height, and in no case less than one (1) inch wide for each foot of length from the closed end.

Section Fourteen. "E" Height and Area District. The height of buildings and the minimum dimensions of yards or courts shall be as follows; provided, however, that buildings hereafter erected or structurally altered in whole or in part for residential purposes shall comply with the side yard and rear yard regulations of the "C" Height and Area District in that part of the building, according to stories, which is designed,

used or intended for occupancy for residential purposes:

Height—Except as hereinafter provided, buildings may be erected to such height that the cubical contents of said building above the established grade shall not exceed the volume of a prism having a base equal to the projected horizontal area of the building, and a height of two hundred (200) feet. In the case of buildings occupying a lot having frontage on intersecting streets and which buildings are so designed as to provide a set-back or open space at the corner or corners where such street intersections occur, or which set back on the street fronts, when such set-backs begin below the two hundred (200) foot height above the established grade, the volume determined by the above rule may be exceeded by an amount equal to the volume so taken out of the reference prism of two hundred (200) feet height; provided, however, that the total volume of the actual building shall not exceed by more than twenty-five (25) per cent the volume of said reference prism of two hundred (200) feet height.

Enclosed Courts—If enclosed courts are provided they shall be not less than four (4) feet in width, but shall in no case be less than one and one-half (1½) inches wide for each foot of building height, and the length of such enclosed courts shall equal twice the width or have area equivalent thereto.

Outer Courts—If outer courts are provided they shall be not less than four (4) feet in width, but shall in no case be less than one and one-half (1½) inches wide for each foot of building height, and in no case less than one and one-half (1½) inches wide for each foot of length from the closed end.

Section Fifteen. Use, Height and Area Exceptions. The foregoing requirements in the Use, Height and Area Districts shall be subject to the following exceptions and regulations:

Use.

A—Where seventy-five (75) per cent or more of the property fronting on both sides of a street between two (2) intersecting streets has been built up with single family dwellings, and is zoned as an "A" Height and

Area District, no other building shall be erected thereon unless it be a single family dwelling.

Height.

B—That in the forty-two (42) foot height district, public buildings, hospitals, sanitariums, schools or institutions of an educational, philanthropic or eleemosynary nature may be erected to a height not exceeding eighty-five (85) feet when front and rear yards are increased in depth and side yards are increased in width one (1) foot for each foot of height that the building exceeds the height limit of the district.

C—One-family dwellings in the "A" Height and Area District may be increased in height by not more than ten (10) feet when two (2) side yards of not less than ten (10) feet in width are provided. Such dwellings, however, shall not exceed three (3) stories in height.

D—The height of chimneys, towers, penthouses, scenery lofts, grain elevators, monuments, cupolas, domes, spires and necessary mechanical appurtenances shall be regulated in accordance with the ordinances of the City of St. Louis.

E—On through lots one hundred and twenty (120) feet or less in depth the height of a building may be measured from the street level on either street. On through lots more than one hundred and twenty feet (120) feet deep the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than one hundred and twenty (120) feet from that street.

Area.

F—For the purpose of area regulation a two-family dwelling or a multiple dwelling shall be considered as one (1) building occupying one (1) lot except in the case of a corner lot.

G—Where a building is used partly for business and partly for dwelling purposes, the requirements for a side yard may be waived, but if a side yard is provided it shall have a minimum width as prescribed for the district in which such building is located.

H—Where dwellings are erected

above stores in a Commercial, Industrial or Unrestricted District side yards are not required, but where side yards are not provided there shall be an enclosed or outer court to provide light and air for the residential portion of the building in accordance with the provisions of this ordinance.

I.—An accessory building shall not occupy more than thirty (30) per cent of the area of a required rear yard, nor shall it exceed fifteen (15) feet in height except as provided in Section 8, Clause 3.

J.—Every part of a required side yard shall be open and unobstructed to the sky, except for the ordinary projections of sills, belt courses and cornices; provided, however, that none of the above shall project more than fourteen (14) inches.

K.—Fires escapes, stairways, balconies, and marquise projecting not more than five (5) feet into a yard and the ordinary projections of chimneys and pilasters, may be permitted by the Building Commissioner where same are so placed as not to obstruct light and ventilation.

L.—A front yard shall not be required where the entire frontage of a street between two (2) intersecting streets is wholly within a Commercial, Industrial or Unrestricted District.

M.—Where all of the frontage on one (1) side of a street between two (2) intersecting streets is wholly within a Commercial, Industrial or Unrestricted District, front yard lines herein required on corner lots, and adjacent to any residence or multiple dwelling districts on intersecting streets, shall be waived for the first one hundred (100) feet of lot depth from the corner, beyond which point the front yard line shall set back at an angle of eleven and one-half (11½) degrees one (1) foot for each five (5) feet to the point of intersection with the established front yard line on the intersecting street; however where the rear of such corner lot abuts on an alley this provision does not apply.

Section Sixteen. Board of Adjustment. A Board of Adjustment is hereby established. The word "Board" when used in this section shall be

construed to mean Board of Adjustment. The Board shall consist of five (5) members who shall be Freeholders and who shall be appointed by the President of the Board of Aldermen in accordance with the following procedure: One (1) of the five (5) members shall be a structural engineer of not less than ten (10) years professional experience; one (1) member shall be an architect of not less than ten (10) years professional experience; one (1) member shall be a real estate dealer of not less than ten (10) years experience; and the remaining two (2) members shall be appointed at large. The term of office of the members of the Board of Adjustment shall be for five (5) years; excepting, that the five (5) members first appointed shall serve respectively for terms of one (1) year; two (2) years; three (3) years; four (4) years and five (5) years; thereafter members shall be appointed for terms of five (5) years each. Vacancies shall be filled for the unexpired term only. Members shall be removed for cause by the appointive authority upon written charges and after public hearing.

The Board shall elect its own chairman, who shall serve for one (1) year. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this ordinance.

Meetings.—Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

Appeals.—Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City

of St. Louis affected by any decision of the Building Commissioner or the Board of Public Service. Such appeal shall be taken within a reasonable time, as shall be prescribed by the Board by general rule, by filing with the Building Commissioner or the Board of Public Service and with the Board a notice of appeal specifying the grounds thereof. The Building Commissioner or the Board of Public Service shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Commissioner or the Board of Public Service certifies to the Board after the notice of appeal shall have been filed with him or it that by reason of facts stated in the certificate a stay would, in his opinion or its opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board, or by a court of record on application or notice to the Building Commissioner or the Board of Public Service, and on due cause shown.

The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

A fee of ten dollars (\$10.00) shall be paid to the Secretary of the Board at the time an appeal is filed.

Jurisdiction.—The Board shall have the following powers, and it shall be its duty:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Commissioner or the Board of Public Service in the enforcement of this ordinance.

2. To permit the reconstruction, within twelve (12) months, of a building located in a district restricted against its use, which has been partially destroyed by fire or other calamity, exclusive of the foundation,

provided that when such reconstruction becomes involved in litigation, the time required for such litigation shall not be counted as a part of the twelve (12) months allowed for reconstructions.

3. To permit the extension of a use or height and area district where the boundary line of a district divides a lot in a single ownership at the time of the passage of this ordinance.

4. To interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the maps fixing the several districts accompanying and made a part of this ordinance where the street layout actually on the ground varies from the street layout as shown on the maps aforesaid.

5. To vary or modify the application of any of the regulations or provisions of this ordinance where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done; provided, however, that every such variation or modification shall be reported immediately to the Board of Aldermen and embodied in this ordinance by way of an amendment thereto before the same shall become effective.

In exercising the above mentioned powers the Board may, in conformity with the provisions of law, reverse or affirm, wholly or partly or may modify, the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end, shall have all the powers of the Building Commissioner or the Board of Public Service. The concurring vote of the majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Commissioner or the Board of Public Service, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance; provided, however, that the action of the Board

in each and every case shall be certified to the Board of Aldermen and the approval of such action by the Board of Aldermen shall be necessary before such action shall become effective. Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to the circuit court of the City of St. Louis, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board. Upon the presentation of such petition the court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe therein the time within which a return thereto may be made and served upon the relator's attorney, which shall be not less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order. The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Costs shall be allowed as provided by law. All issues in any proceedings under this section shall have

preference over all other civil actions and proceedings.

Section Seventeen. Certificates of Occupancy. Hereafter no person shall use or permit the use of any building or premises or part thereof hereafter erected, created, changed or converted wholly or partly in its use or structure until the Building Commissioner shall have issued a certificate of occupancy stating that the building and premises complies with the building code and the provisions of these regulations; provided that nothing in this section shall prevent the continuance of the present occupancy or use of any premises or of any existing building.

Certificates of occupancy and compliance shall be issued within ten (10) days after written application therefor, or if erection or alteration of buildings is contemplated, within ten (10) days after such erection or alteration is completed to the point of availability for occupancy and use.

A record of all certificates shall be kept on file in the office of the Building Commissioner and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. A fee of two dollars (\$2.00) shall be charged for each original certificate and fifty cents (\$.50) for each copy thereof.

No permit for the erection of any building shall be issued before application has been made for a certificate of occupancy. No building or premises may be occupied until such certificate shall have been issued.

Section Eighteen. Plats. All applications for building permits shall be accompanied by a plat in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the buildings to be erected, and such other information as may be required by the Building Commissioner, which is necessary to provide for the enforcement of this ordinance. No yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall again be used as a yard or other open space for another building.

Section Nineteen. Boundaries of Districts. Where uncertainty exists with respect to the boundaries of the

various districts as shown on the maps accompanying and made a part of this ordinance, the following rules will apply:

(a) The district boundaries are either streets or alleys unless otherwise shown, and where the designation on the maps accompanying and made a part of this ordinance indicating the various districts are approximately bounded by street or alley lines, said street or alley shall be construed to be the boundary of such district.

(b) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the designation on the maps accompanying and made a part of this ordinance indicating the various districts are approximately bounded by lot lines, said lot lines shall be construed to be the boundary of such district, unless said boundaries are otherwise indicated on the maps.

Section Twenty. Interpretation, Purpose and Conflict. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not the intention of this ordinance to interfere with or abrogate or annul any easements, covenants or other agreement between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of building or premises or upon height of building, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or permits, or by easements, covenants or agreements, the provisions of this ordinance shall govern.

Section 21. Changes and Amendments. The Board of Aldermen may from time to time, on its own motion or on petition, after public notice and hearings as provided by law, amend, supplement or change the boundaries or regulations herein or subsequently established. In case,

however, of a protest against such changes duly signed and acknowledged by the owners of ten (10) per cent or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred and eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of a majority of all the members of the Board of Aldermen.

Section Twenty-two. Validity. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section Twenty-three. Violation and Penalty. The owner of a building or premises in or upon which a violation of any provision of this ordinance has been committed or shall exist; or the lessee of entire building or entire premises in or upon which violation has been committed or shall exist; or the owner, lessee of any part of the building or premises in or upon which such violation has been committed or shall exist, shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each and every day that such violation continues. Any such person, who, having been served with an order to remove any such violation, shall fail to comply with said order within ten (10) days after such service, or shall continue to violate any provision of the regulations made under authority of this ordinance in the respect named in such order, shall also be subject to a civil penalty of one hundred dollars (\$100.00).

Section Twenty-four. Enforcement. It shall be the duty of the Building Commissioner to enforce this ordinance. Appeal from the decision of the Building Commissioner may be made to the Board of Adjustment as provided by Section Sixteen.

Approved Apr. 26th, 1926.