

INTRODUCED BY: Councilmember Smotherson

DATE: May 22, 2017

BILL NO. 9316

ORDINANCE NO. 7041

AN ORDINANCE AMENDING SECTIONS 400.030, 400.210, 400.220, 400.260, 400.280, 400.320, 400.340, 400.380, 400.390, 400.400, 400.1110, 400.1120 AND 400.1125 OF CHAPTER 400 - ZONING CODE, OF THE UNIVERSITY CITY MUNICIPAL CODE, TO REVISE CERTAIN ATTACHED SINGLE-FAMILY DWELLINGS AND MULTI-FAMILY RESIDENTIAL DEVELOPMENTS AS PROVIDED HEREIN.

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

WHEREAS, said Chapter 400 also establishes definitions, regulations, and standards for attached single-family dwellings and multiple-family developments in certain residential zoning districts; and

WHEREAS, the City Plan Commission, in a meeting held at the Heman Park Community Center located at 975 Pennsylvania Avenue, University City, Missouri on April 26, 2017 at 6:30 pm, recommended approval of amendments of Sections 400.030, 400.210, 400.220, 400.260, 400.280, 400.320, 400.340, 400.380, 400.390, 400.400, 400.1110, 400.1120, and 400.1125 of said Code; and

WHEREAS, due notice of a public hearing to be held by the City Council in the 5th Floor City Council Chambers at City Hall at 6:30 pm, May 22, 2017, was duly published in the St. Louis Countian, a newspaper of general circulation within said City on May 6, 2017; and

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

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

Section 1. Sections 400.030, 400.210, 400.220, 400.260, 400.280, 400.320, 400.340, 400.380, 400.390, 400.400, 400.1110, 400.1120 and 400.1125 of Chapter 400 of the Zoning Code, of the University City Municipal Code are amended as provided herein. Language to be deleted from the Zoning Code is represented as ~~stricken through~~; language to be added to the Code is shown as underlined. This Ordinance contemplates no revisions to the Code other than those so designated; any language or

provisions from the Code omitted from this Ordinance is represented by an ellipsis and remains in full force and effect.

Section 2. Chapter 400 of the University City Municipal Code is hereby amended to allow attached single-family dwellings and provide clarity to existing terms and definitions currently used for attached single-family dwellings and multiple-family residential developments as follows:

(Some of the definitions included below are not proposed to be amended, but were included for reference.)

Chapter 400 – Zoning Code

Article II – Definitions

Section 400.030 Definitions

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

Dwelling, Attached Single-Family – ~~One (1) of a series of t~~Two (2) ~~to eight (8)~~ attached dwelling units sharing common wall(s), with each ~~of which is located~~ unit on its own ~~subdivided~~ individual lot of record.

Dwelling, ~~Apartment~~ 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, Detached Single-Family – A dwelling unit which is entirely surrounded by open space on its own subdivided lot of record.

Dwelling, Two-Family – A dwelling containing two (2) attached dwelling units, both on a single lot of record.

Dwelling, Elevator-~~type~~ Apartment – ~~An apartment~~ type of multi-storied, multiple-family dwelling of more than three (3) stories in height ~~and~~ or containing more than twelve (12) dwelling units ~~that are individually rented or owned~~, with primary access to each floor, above the first (1st) floor, provided by means of an elevator.

Dwelling, Garden-~~type~~ Apartment – A type of two- or three-story ~~apartment~~ multiple-family dwelling containing not more than twelve (12) dwelling units ~~that are individually rented or owned~~, with common access to all units typically provided by open or enclosed stairways and hallways. Access to the second (2nd) and third (3rd) floors may be provided by means of an elevator.

Dwelling, Town-~~H~~house Apartment – ~~An apartment~~ type of multiple-family dwelling, ~~two (2) or three (3) stories in height, and~~ containing three (3) to eight (8) contiguous dwelling

units, which are separated by **partition common** wall(s), extending from basement to roof without openings, and where each dwelling unit **is** may or may not **be** located on its own **subdivided individual** lot of record.

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

(It should be noted that all references to apartment dwellings, town house apartment dwellings, garden apartment dwellings, and elevator apartment dwellings that are not included below should be amended to reflect the revised terminology in the definitions above.)

Article IV. District Regulations

Division 2. "LR" Limited Residential District

Section 400.210. Conditional Uses.

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

1. Convents and rectories, in connection with a place of worship and located on the same or adjacent lot;
2. Dormitories;
3. Dwellings, garden-**type apartments**;
4. Dwellings, town-house **apartments**;
5. Dwellings, attached single-family;
- ~~5.~~ 6. Group homes for the disabled, small, where the group home dwelling unit is one thousand (1,000) feet or less from any existing group home dwelling unit;
(re-number remaining items accordingly)

Section 400.220. Density and Dimensional Regulations.

A. Minimum Lot Size.

1. Single-family detached and two-family dwellings. Except as provided for in Article V "Supplementary Regulations", Section 400.1020, the minimum lot area and width for single-family detached and two-family dwellings shall be as follows:
 - a. Minimum lot area. Six thousand (6,000) square feet.
 - b. Minimum lot width. Fifty (50) feet.
2. Town-house **apartment**, attached single-family, and garden-**type apartment** dwellings. See Article V "Supplementary Regulations", Sections 400.1120, 400.1125, or 400.1130 as applicable.

B. Building Setback Requirements.

1. Single-family detached and two-family dwellings. Except as provided for in Article V "Supplementary Regulations", Division 2, the following setback requirements shall apply to single-family detached and two-family dwellings in the "LR" district:

- a. Minimum front yard setback. Twenty (20) feet.
 - b. Minimum side yard setback. Five (5) feet.
 - c. Minimum rear yard setback. Twenty-five (25) feet.
2. Town-house **apartment**, attached single-family, and garden-type **apartment** dwellings. See Article V "Supplementary Regulations", Sections 400.1120, 400.1125, or 400.1130 as applicable.

Division 3. "MR" Medium Density Residential District

Section 400.260. Permitted Uses.

A. The following land uses and developments are permitted in the "MR" district. In addition to the land uses permitted in this district, certain other land uses may be conditionally allowed per Section 400.270.

- 1. Accessory uses (see Article V "Supplementary Regulations", Division 3);
- 2. Dwellings, two-family;
- 3. Dwellings, garden-type **apartment**;
- 4. Dwellings, town-house **apartment**;
- 5. Dwellings, attached single-family;
- ~~5.~~ 6. Group homes for the disabled, small, where the group home dwelling unit is more than one thousand (1,000) feet from any existing group home dwelling unit; *(re-number remaining items accordingly)*

Section 400.280. Density and Dimensional Regulations.

A. Minimum Lot Size.

- 1. Dwellings, single-family and two-family.
 - a. Minimum lot area. Six thousand (6,000) square feet.
 - b. Minimum lot width. Fifty (50) feet.
- 2. Town-house **apartment**, attached single-family, and garden-type **apartment** dwellings. See Article V "Supplementary Regulations", Sections 400.1120, 400.1125, or 400.1130 as applicable.

B. Building Setback Requirements.

- 1. Dwellings, single-family and two-family.
 - a. Minimum front yard setback. Twenty (20) feet.
 - b. Minimum side yard setback. Five (5) feet.
 - c. Minimum rear yard setback. Twenty-five (25) feet.
- 2. Town-house **apartment**, attached single-family, and garden-type **apartment** dwellings. See Article V "Supplementary Regulations", Sections 400.1120, 400.1125, or 400.1130 as applicable.

Division 4. "HR" High Density Residential District

Section 400.320. Permitted Uses.

A. The following land uses and developments are permitted in the "HR" district. In addition to the land uses permitted in this district, certain other land uses may be conditionally allowed per Section 400.330.

1. Accessory uses (see Article V "Supplementary Regulations", Division 3);
 2. Dwellings, elevator-~~type~~ apartment, up to a F.A.R. of one (1.0);
 3. Dwellings, garden-~~type~~ apartment;
 4. Dwellings, town-house ~~apartment~~;
 5. Dwellings, attached single-family;
 - ~~5.~~ 6. Group homes for the disabled, small, where the group home dwelling unit is more than one thousand (1,000) feet from any existing group home dwelling unit;
- (re-number remaining items accordingly)*

Section 400.340. Density and Dimensional Regulations.

A. Minimum Lot Size.

1. Dwellings, two-family.
 - a. Minimum lot area. Five-thousand (5,000) square feet.
 - b. Minimum lot width. Fifty (50) feet.
2. Town-house ~~apartment~~, attached single-family, garden-~~type~~ apartment, and elevator-~~type~~ apartment dwellings. See Article V "Supplementary Regulations", Sections 400.1120, 400.1125, 400.1130, or 400.1140 as applicable.

B. Building Setback Requirements.

1. Dwellings, two-family.
 - a. Minimum front yard setback. Twenty (20) feet.
 - b. Minimum side yard setback. Five (5) feet.
 - c. Minimum rear yard setback. Twenty-five (25) feet.
2. Town-house ~~apartment~~, attached single-family, garden-~~type~~ apartment, and elevator-~~type~~ apartment dwellings. See Article V "Supplementary Regulations", Sections 400.1120, 400.1125, 400.1130, or 400.1140 as applicable.

Division 5. "HRO" High Density Residential/Office District

Section 400.380. Permitted Uses.

A. The following land uses and developments are permitted in the "HRO" district. In addition to the land uses permitted in this district, certain other land uses may be conditionally allowed per Section 400.390.

1. Accessory uses (see Article V "Supplementary Regulations", Division 3);
 2. Dwellings, elevator-~~type~~ apartment, up to a F.A.R. of one (1.0);
 3. Dwellings, garden-~~type~~ apartment;
 4. Dwellings, town-house ~~apartment~~;
 5. Dwellings, attached single-family;
 - ~~5.~~ 6. Group homes for the disabled, small, where the group home dwelling unit is more than one thousand (1,000) feet from any existing group home dwelling unit;
- (re-number remaining items accordingly)*

Section 400.390. Conditional Uses.

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

1. Auditoriums and other places of public assembly;
2. Convalescent and nursing homes;
3. Day care centers;
4. Dormitories;
- ~~5. Dwellings, attached single-family;~~
- ~~6. 5. Dwellings, detached single-family;~~
- ~~7. 6. Dwellings, elevator apartment, with a F.A.R. between one (1.0) and three (3.0) (see Section 400.400(D));~~
(re-number remaining items accordingly)

Section 400.400. Density and Dimensional Regulations.

A. Minimum Lot Size.

1. Mixed-use (residential/non-residential) buildings.
 - a. Minimum lot area. Thirty thousand (30,000) square feet.
 - b. Minimum lot width and depth. One hundred fifty (150) feet.
2. Town-house ~~apartment~~, attached single-family dwellings, garden-~~type apartment~~, and elevator-~~type apartment~~ dwellings. See Article V "Supplementary Regulations", Sections 400.1120, 400.1125, 400.1130, or 400.1140 as applicable.

B. Building Setback Requirements.

1. Mixed-use (residential/non-residential) buildings.
 - a. Minimum right-of-way setback. Thirty (30) feet.
 - b. Minimum property line setback. Twenty-five (25) feet.
Where a property line abuts a "SR" or "LR" district, then minimum building setbacks shall be in accordance with Section 400.1140(C)(3), Article V "Supplementary Regulations".
2. Town-house ~~apartment~~, attached single-family dwellings, garden-~~type apartment~~, and elevator-~~type apartment~~ dwellings. See Article V "Supplementary Regulations", Sections 400.1120, 400.1125, 400.1130, or 400.1140 as applicable.

ARTICLE V. Supplementary Regulations

Division 4. Supplemental Residential Development Standards

Section 400.1110. General.

The following standards are intended to provide for adequate daylight, open space, and privacy for occupants of town-house ~~apartments~~, attached single-family, garden-~~type apartments~~, and elevator-~~type apartments~~ dwellings. Deviation from the strict application of these standards shall only be permitted for developments approved under the provisions of a "planned development" (see Division 11, Article IV of this Chapter).

Section 400.1120. Town-House Apartments Dwellings.

A. Development Location. Within the "LR" district, town-house apartment dwelling developments shall be located on a "major street", as specified in the motor vehicle and traffic regulations of the University City Municipal Code (Title III). At least thirty percent (30%) of the development's boundary shall be coterminous with the right-of-way of the major street.

B. Vehicle Access.

1. Eight (8) or fewer dwelling units. Access may be provided directly to the individual dwelling units from a public street right-of-way, except as prohibited in Subsection (B)(3) of this Section.
2. Nine (9) or more dwelling units. Access to the individual dwelling units shall be provided by internal access drives (public or private). The internal access drive(s) shall intersect with a major or secondary street, but not closer than one hundred fifty (150) feet to an existing street intersection (measured from the centerline of the existing street intersection to the centerline of the access drive).
3. Access to Big Bend Boulevard, Delmar Boulevard, Hanley Road, and Olive Boulevard limited. There shall be no direct access to/from individual town-house apartment dwellings and these major streets. Only an internal access drive serving the development shall be permitted to intersect with these major streets.

C. Density And Dimensional Regulations – when all units are on same lot.

1. Minimum lot area.
 - a. Minimum.
 - (1) Per development. Twenty thousand (20,000) square feet, except:
 - (a) "MR" zoned property. Eight thousand (8,000) square feet.
 - (b) "HR" zoned property. Six thousand (6,000) square feet.
 - (2) Average per dwelling unit. Fifteen hundred (1,500) square feet.
 - b. Minimum lot depth. One hundred (100) feet.
 - c. Minimum lot width. Seventy (70) feet.
 - d. Minimum unit width. Fifteen (15) feet.
 - e. Minimum/maximum unit groupings. Three / eight (3/8).
 - f. Minimum building setbacks.
 - (1) From street right-of-way. Twenty (20) feet.
 - (2) From rear property line. Twenty (20) feet.
 - (3) From private drives or parking areas. Ten (10) feet.
 - (4) Adjacent to "SR" zoned property. Twenty-five (25) feet.
 - (5) Adjacent to "LR" zoned property. Twenty (20) feet.
 - (6) Adjacent to property in the same zoning district. Five (5) feet.
 - (7) Adjacent to all other properties. Ten (10) feet.
 - g. Minimum distance between buildings. All buildings within the development shall be separated by a distance of not less than fifteen (15) feet.

D. Density and Dimensional Regulations – when each unit is on its own individual lot.

1. Minimum lot area. Two thousand (2,000) square feet.

2. Minimum lot width. Twenty (20) feet.
3. Minimum lot depth. Eighty (80) feet.
4. The same setbacks as specified in Section C above shall apply. A side yard setback of zero (0) feet shall be allowed along property lines where units are attached.
5. Minimum distance between buildings. All buildings within the development shall be separated by a distance of not less than fifteen (15) feet.

Section 400.1125. Attached Single-Family Dwellings.

A. Density and Dimensional Regulations

1. Minimum lot area. Two thousand (2,000) square feet
2. Minimum lot width. Twenty (20) feet
3. Minimum Building width. Twenty (20) feet
4. Maximum number of attached units. Two (2)
5. Minimum building setbacks
 - (1) From street right-of-way. Twenty (20) feet
 - (2) From rear property line. Twenty (20) feet
 - (3) From side property line. Five (5) feet, except:
 - (a) Where units are attached along a shared common wall. Zero (0) feet.

* * *

Section 3. This ordinance shall not be construed so as to relieve any person, firm or corporation from any penalty heretofore incurred by the violation of the sections revised by this amendment nor bar the prosecution for any such violation.

Section 4. Any person, firm or corporation violating any of the provisions of this ordinance shall be punished in accordance with the provisions of the University City Municipal Code.

Section 5. This ordinance shall take effect and be in force from and after its passage as provided by law.

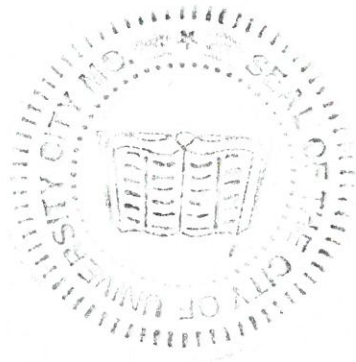
PASSED THIS 12th day of June 2017


MAYOR

ATTEST:

LaBette Reese

INTERIM CITY CLERK



CERTIFIED TO BE CORRECT AS TO FORM:

John A. Muligan

CITY ATTORNEY

