

NOTICE OF STUDY SESSION

OF THE

UNIVERSITY CITY CITY COUNCIL

Public Notice is hereby given that a Study Session of the City Council of University City will be held on Monday, September 25, 2017, at 5:00 p.m., at City Hall, fifth floor, 6801 Delmar, University City, MO.

AGENDA

Requested by the Interim City Manager

1. Meeting called to order
2. Any changes to the upcoming meeting agenda
3. Telecommunications Facilities Ordinance
4. Architectural Review Board
(Requested by Councilmembers McMahon and Carr)
5. Roll-Call vote to go into a Closed Council Session according to RSMo 610.021
(1)Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys.
(Requested Mayor Welsch and Councilmember Glickert)

This meeting is OPEN to the public.

Dated this 22nd day of September, 2017

LaRette Reese
Interim City Clerk

Summary of September 25th Work Session

- A. Discussion of need for Code amendments (including current and future wireless and ROW users).
- B. Discussion of draft, proposed Code changes, summarized as follows:

1. **Enacts Three Definitions to Wireless Code:**

- a. *Small Wireless Facility*: Provides strict definition of small wireless, including (1) must be located on existing poles or similar replacement pole, (2) all equipment mounted above 8' when located in public or private right-of-way ("ROW"), (3) no more than 4 cu. ft. (comprised of 12 sq. ft. excluding certain features), (4) same color as pole, (5) cannot exceed 6' above structure, etc. Includes provision that authorizes modification to the requirements under certain circumstances to provide some flexibility.
- b. *Disguised Support Structure*: Replaces existing definition with more detailed strict definition; to meet definition, must be something normally found in that area and must be proportionate in size and appearance to the structure it is disguised as so reasonable person would not know it is a wireless facility. Requires a covenant to run with the land to protect the disguised nature of the structure.
- c. *Existing Structure*: Makes clear that the structure must have existed and was not constructed to get around rules; does not include a tower or disguised support structure.

2. **Wireless Code Addition of Administrative Approval:**

- a. *Fast Track Small Wireless*: Allows small wireless in all districts meeting: (1) small wireless definition and (2) the applicable provisions of current wireless code (400.1400) (such as no lighting, security measures, etc.) to be installed with the approval of Director without the need for CUP or P&Z review. Requires a setback when Director determines such is necessary for the specific location.
- b. *Disguised Support Structure*: Allows disguised support structures meeting (1) the disguised definition and (2) applicable sections of wireless code (400.1400) to be installed with the approval of Director without the need for CUP or P&Z review. This could authorize a wireless facility that in appearance looks like a light standard found in the area. Requires setback equal to the height of the structure.

3. **ROW Code Revisions:**

- a. *Agreement and Fee*: Codifies City requirement for agreement to place facilities in ROW and grandfathered linear foot fee of 1.98 per linear foot per year; enacts \$200/month antenna fee.
- b. *Small Wireless Approval*: Approved for placement in ROW by Public Works and Park Director in any district without CUP or P&Z review IF it meets the small wireless definitions and IF:
 - ROW agreement in place.
 - Compensation for linear foot and antenna fees paid – Provides a formula for compensation based on whether a new pole, use of City facilities, or use of third-party pole - can be modified.
 - Meets certain requirements including cannot obstruct or cause a safety concern, only one facility per structure, no ground equipment, etc.
 - Allows exception for new poles when good cause is shown to allow the City flexibility.

4. **Misc. Optional Provisions:**

- a. *Preemption Language*: Designed to help protect the City from facial challenges concerning any provision in its Code that might conflict with state or federal law by enacting a provision, which provides that any provision that is or becomes in conflict with federal or state law shall be deemed automatically superseded/preempted and interpreted to comply with such law.
- b. *Enforcement Provision*: Provides an *argument* to have City attorney fees covered when the City expends public funds to enforce its ordinances and provides penalties for those who holdover or are otherwise on City property without a valid lease or authorization.

Section Purpose Statement

A.

In order to assure that construction/renovation activities are of high quality design and materials and in general conformity with the style and design of surrounding structures, an Architectural Review Board has been established. The Architectural Review Board will conduct design and material reviews of additions, alterations and improvements to existing structures, buildings and properties and will also review the design, material and compatibility of new construction within the City of University City. The goals of the Architectural Review Board are as follows:

1.

To assure the continued and long-term quality of University City's housing stock by adoption of architectural review guidelines for residential construction;

2.

To encourage high quality development, both residential and commercial, and to discourage poor exterior design, appearance and inferior quality that is likely to have a depreciating effect on the local environment and surrounding area;

3.

To enhance the beauty, livability and prosperity of the community;

4.

To encourage originality, creativity and diversity in design and to avoid monotony;

5.

To preserve green space by requiring the preservation/replacement of existing trees and enhanced landscaping; and

6.

To ensure residential design that is compatible with the character inherent within the surrounding neighborhood.

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Section Composition of Board

The Architectural Review Board shall be comprised of seven (7) members as follows: Two Residents from each Ward of the City with the Council Members representing such Ward to nominate one member each. The Council Member elected at-large shall nominate one Resident of the City to serve on the Board. At least one (1) member shall be a registered architect. The term of office for members shall be three (3) years.

Section Meetings and Records

Meetings to consider applications may be held in conjunction with the regularly scheduled meetings of the City Plan Commission or at any other time deemed necessary by the Chairperson. All meetings shall be open to the public, unless closed pursuant to State law. The Architectural Review Board shall keep a written record in the form of minutes of each meeting, depicting the discussion of the Board and the vote of each member present upon each agenda item. Absences and failure to vote shall also be noted for the record. Copies of minutes and materials used by the Architectural Review Board shall be kept on file in the office of the Community Development Department . All notification requirements, public meetings and/or

hearings and availability for examination of records related to actions by the Architectural Review Board shall conform with existing Federal, State and local laws.

Section Requirements

All proposed new construction, alterations, additions, renovations or signage affecting the exterior appearance of a building or property shall be submitted to and approved by the Architectural Review Board prior to the commencement of construction/installation.

Section Exceptions

A.

The City Manager shall have the authority to exclude from Architectural Review Board consideration minor alterations, installations, repairs and/or additions not substantially affecting the exterior appearance of the property. Minor exterior alterations considered for administrative review include, but are not limited to, the following:

1.

Signage meeting the provisions of the sign ordinance;

2.

Awning replacement;

3.

Window replacement;

4.

Facade changes not affecting the building's character;

5.

Mechanical equipment screening;

6.

Fences and retaining walls meeting the provisions of the Building Code;

7.

Small additions less than seven hundred fifty (750) square feet;

8.

Landscaping;

9.

Surface parking lot expansion (twenty percent (20%) or less of the existing lot size) or reconfiguration;

10.

Detached garages/porte-cocheres and carports designed for no more than two (2) automobiles.

B.

The City Manager shall have the discretion to approve the construction/installation administratively or to refer the proposed project to the Architectural Review Board for their consideration.

Section Application and Plan Requirements

A.

An application form for architectural review shall be completed and filed with the Community Development Department. Application forms and a list of the required submittal materials are available at the office of Community Development Department during regular business hours.

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B.

The application document will provide a description of the project and plans and other pertinent information required for submittal by the applicant as part of the architectural review process.

Section Submission By Applicant

The applicant must submit one (1) original and thirteen (13) copies of the application and all required documentation to the Director of Community Development Department. At the time an application is filed, the applicant shall pay a fee as required by the fee schedule approved by the City Council. The fee shall be paid to the City of University City to the credit of the General Revenue Fund of the City. Applications and all required documentation should be submitted twelve (12) days in advance of the Architectural Review Board meeting date in order to be considered for that Architectural Review Board agenda.

Section Staff Review

Upon receipt of the architectural review application, plans and supporting documents, the Director of the Community Development Department shall review the documents to determine completeness. If the Director determines the submittal is complete, then the submittal can be forwarded to the Architectural Review Board.

Section Architectural Review Board Procedure

A.

The Architectural Review Board shall hear all applications for architectural review.

1. The Architectural Review Board shall hear such applications at a public meeting, open to the public, be open to the public unless prohibited pursuant to State law.
2. Public comment on such applications shall be allowed during such public meeting, or prior to the meeting to hear such application being closed.

B.

The Architectural Review Board may approve as submitted, approve with modifications or deny an application.

1.

If the application is approved as submitted, the Director of Community Development Department or his/her designee may process an application for a building permit.

2.

If the Architectural Review Board approves the application with modifications, the Director of Community Development Department or his/her designee shall issue a permit only after the applicant submits the appropriate revisions required by the Architectural Review Board.

C.

All applications shall be promptly considered by the Architectural Review Board who shall render a decision no later than sixty (60) days from the date of the meeting at which the item first appears before the Architectural Review Board. Failure of the Architectural Review Board to make a decision within that time period will result in the application being deemed approved and shall make a decision of said Architectural Review Board unnecessary, unless said time period is extended by mutual agreement, in writing, of the Architectural Review Board and the applicant to allow further consideration.

Section Notification To Neighbors.

A.

All property owners within three hundred (300) feet of the project property with street frontage on the same street and all property owners within one hundred fifty (150) feet of the project property shall be notified by the Zoning Administrator, within ten (10) days of receipt of an application and be notified of the date, time, and location of any hearing on the application, as well as the opportunity for public comment. The applicant shall include a list of such property owners and their addresses with the application when it is filed.

Section Time Limit On Approval

Approval shall be void unless a building permit has been issued within one (1) year from the date of approval. When Architectural Review Board approval coincides with a development approved by the City Council as a planned unit development or pursuant to a conditional use permit, Architectural Review Board approval shall expire and become void upon expiration of the rights granted by the planned unit development or conditional use permit ordinance. A written request for an extension must be received by the Director of Community Development Department not less than forty-five (45) days prior to expiration of the original one (1) year period. The applicant shall bear the burden of providing just cause for delay, proof that the project remains the same and proof that no circumstances bearing on the suitability of the project have changed. Approval of a request for an extension is at the sole direction of the Architectural Review Board.

Section Reapplication

In the event that the Architectural Review Board denies an application, no request for a hearing upon the same application or substantially similar application will be accepted for a period of at least one (1) year from date of denial by the Architectural Review Board.

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Section Building Permit Issuance

Building permits shall be issued in accordance with the approved architectural review plans. A copy of the approved plans shall be retained in the records of the office of the Community Development Department and all building and occupancy permits issued by the Director of Community Development Department or his/her designee shall conform to the provisions of the plans.

Section Appeals

An aggrieved party may, within fifteen (15) days of the decision for which redress is sought, file with the City Council a written request for reconsideration and appeal of any decision of the Architectural Review Board under this Article. The written request must set forth in a concise manner the decision being appealed and all grounds known to the appellant as to wherein and why the decision is allegedly in error. The request for reconsideration and appeal must be filed with the City Clerk within the time specified above. A copy of the request and any supporting documents or materials filed by aggrieved party must be served by the aggrieved party on the applicant (if different than the aggrieved party) by certified U.S. mail, return receipt requested, within three (3) days of filing with the City Clerk. Proof of service on the applicant must be filed with the City Clerk within six (6) days of filing of the request.

The City Council may consider the appeal on the record of the prior decision by the Architectural Review Board or may, at its sole discretion, receive additional evidence in such manner as it deems appropriate in light of the circumstances.

Section Action By The City Council

The City Council shall hear such interested parties as may desire to be heard and after said hearing shall approve, modify or disapprove the application. If the Board of Aldermen approves the application, the Director of Community Development Department or his/her designee shall promptly issue the requested permit. If the application is approved with modifications, the Director of Community Development Department or his/her designee will issue a permit after the applicant submits the appropriate revisions to the plans and/or specifications required by the City Council.

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