

INTRODUCED BY: Councilmember Paulette Carr

DATE: January 14, 2019

**BILL NO. 9377**

**ORDINANCE NO. 7095**

AN ORDINANCE AMENDING CHAPTER 400 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, RELATING TO ZONING, BY AMENDING SECTION 400.3080 – NON-CONFORMING LOTS OF RECORD AND SECTION 400.1020 – LOT AREA AND WIDTH EXCEPTIONS, RELATING TO DISTRICT REGULATIONS; CONTAINING A SAVINGS CLAUSE AND PROVIDING A PENALTY.

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

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 to which the premises located therein may be put; 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 November 28, 2018 at 6:30 pm recommended an amendment of Sections 400.3080 and 400.1020; and

WHEREAS, due notice of a public hearing to be held by the City Council in the 5<sup>th</sup> Floor City Council Chambers at City Hall at 6:30 pm, January 14, 2019 was duly published in the St. Louis Countian, a newspaper of general circulation within said City on December 20, 2018; and

WHEREAS, said public hearing was held at the time and place specified in said notice, and all suggestions or objections concerning said amendment 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. Chapter 400 of the Municipal Code of the City of University City, Missouri, relating to zoning, is hereby amended, by amending Section 400.3080 and Section 400.1020 and as so amended shall read as follows (where applicable, bolded text is added text and stricken text is removed):

AMENDMENT (**Bold** for additions and ~~strike through~~ for deletions)

Article VIII, Division 3

Section 400.3080 - Non-Conforming Lots of Record.

[R.O. 2011 §34-153.1; Ord. No. 6139 §1(Exh. A (part)), 1997]

~~A.~~ Lots of record, established prior to the effective date of this Chapter, or amendments thereto, that have any dimensional non-conformities, may be used for purposes allowable by this Chapter, subject to the following limitations:

~~1. Such lot, when located in an "SR" or "LR" district, shall comply with the prevailing patterns requirement specified under Article V, Section 400.1020 of this Chapter; shall only be used for open space or a detached single-family dwelling and associated accessory uses or structures; and any buildings placed thereon shall meet the required setbacks of the applicable district regulations, subject to setback exceptions established under Article V, Division 2 of this Chapter.~~

~~2. Such lot, when located in any non-residential district, shall not be less than five thousand (5,000) square feet nor less than forty (40) feet in width; shall only be used for open space or an office building; and any buildings placed thereon shall meet the required setbacks of the applicable district regulations, subject to setback exceptions established under Article V, Division 2 of this Chapter.~~

~~31. In any event, a~~ A non-conforming lot of record shall not be used for the development of a freestanding principal structure, unless:

- a. Such lot was owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by the Zoning Code adopted by the City; and
- b. Has remained in separate and individual ownership from adjoining tracts of land continually during the entire time that creation of such lot has been prohibited by the applicable Zoning Code.

42. Nothing in this Section shall prohibit the combination of a non-conforming lot of record, or portions thereof with another adjoining lot, or lots, so as to create zoning lots which comply with the requirements of this Chapter. Such consolidations may be accomplished under the boundary adjustment procedure specified in Article VI, Section 405.580 of the "Subdivision and Land Development Regulations" (Chapter 405 of the University City Municipal Code).

#### Article V, Division 1

##### Section 400.1020 Lot Area and Width Exceptions

[R.O. 2011 §34-53; Ord. No. 6471 §1, 2003]

A. Within the "SR" and "LR" districts, ~~a reduction in the minimum lot area and/or lot width for detached single-family and two-family (duplex) dwellings in subdivisions platted prior to the City of University City's first zoning code in 1926 shall be the prevailing pattern of granted by the Zoning Administrator if the lot area and/or width are consistent with the prevailing pattern of the subdivision in which the lot is located as specified in Table 1. In determining the prevailing pattern of a subdivision.~~

**B. For lots within "SR" and "LR" districts that are not within subdivisions platted prior to 1926, a reduction in the minimum lot width for detached single-family and two-family (duplex) dwellings shall be granted by the Zoning Administrator if the lot area and/or width are consistent with the prevailing pattern of the subdivision. In determining the prevailing pattern, the lot area and/or width of at least ten (10) of the closest lots shall be considered or, if there are fewer than ten (10) lots, the prevailing pattern of the lots on the block frontage shall be considered. In no case shall an exception be granted for any lot which is less than four thousand five hundred (4,500) square feet in area nor less than thirty-seven and one-half (37½) feet in width at the building setback line. In the instance where:**

~~1. The lot size and/or width is smaller than the minimum standards set forth above,~~

~~2. and the lot meets the prevailing pattern exception,~~

3. ~~and is within an established subdivision where development is consistent upon lots the same size or smaller,~~

~~the Zoning Administrator shall grant an exception to the minimum lot size and/or width requirements consistent with the prevailing pattern.~~

**Table 1: Subdivisions and their prevailing pattern dimensions for lots in subdivisions platted prior to the City's first zoning code in 1926.**

Subdivision	Minimum Area (SF)	Minimum Width (ft)
Alta Dena	4600	45
Ames Place	5600	50
Balson's at Olive	3700	30
Balson's at Shaftesbury Heights	5100	50
Bellemoor Park	4200	40
Darstdale No.3	3200	40
De Soto Place	3200	30
Delmar Garden	3500	40
Eastover	4600	30
Forsyth Place	4900	50
Gannondale	5100	50
Garden Heights	4700	50
Hafner Place	5000	50
Harris Place	3000	45
Jackson Park	5200	50
Kingsland Place	3600	40
Meridian	5700	50
Mount Olive	4400	35
Musick	5600	50
New Delmar	5500	50
North Parkview	4000	40
Northmoor	5000	40
Olivania Park	4000	40
Olive Heights	3000	30
Olive Street	3700	40
Partridge Heights	5100	50
Pearl Heights	4000	40
Pershing Heights	4200	40
Rathert Heights	3200	30
Richardson Washington Park	3900	50
Roth Grove	4000	45

<b>Sadler Place</b>	<b>5000</b>	<b>40</b>
<b>Spring Avenue</b>	<b>5300</b>	<b>50</b>
<b>Sutter Estates</b>	<b>4300</b>	<b>45</b>
<b>Sutter Heights</b>	<b>3400</b>	<b>30</b>
<b>University Park:</b> <b>Amherst Blocks 7000-7300</b> <b>Tulane and Dartmouth Blocks 7000-7100</b> <b>Parcels north of and not including 728 Pennsylvania</b>	<b>4000</b>	<b>40</b>
<b>University Park No. 2</b>	<b>3800</b>	<b>40</b>
<b>University Terrace</b>	<b>4300</b>	<b>40</b>
<b>Vernon Place</b>	<b>3400</b>	<b>30</b>
<b>West Chamberlain Park</b>	<b>2900</b>	<b>25</b>
<b>West Delmar</b>	<b>5500</b>	<b>50</b>
<b>West Lawn</b>	<b>4000</b>	<b>30</b>
<b>West Portland</b>	<b>5100</b>	<b>40</b>
<b>West University No. 3</b>	<b>4500</b>	<b>40</b>

Section 2. This ordinance shall not be construed to so as to relieve any person, firm or corporation from any penalty heretofore incurred by the violation of said Sections mentioned above, nor bar the prosecution for any such violation.

Section 3. Any person, firm or corporation violating any of the provisions of this ordinance, shall upon conviction thereof, be subject to the penalty provided in Title 1 Chapter 1.12.010 of the Municipal Code of the City of University City.

Section 4. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED this 28<sup>th</sup> day of January, 2019.

  
MAYOR

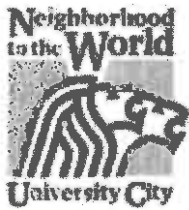
ATTEST:

  
CITY CLERK



CERTIFIED TO BE CORRECT AS TO FORM:

  
CITY ATTORNEY



## Council Agenda Item Cover

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**MEETING DATE:** January 14, 2019

**AGENDA ITEM TITLE:** Text Amendments to Section 400.3080 in Article VIII, Division 3 (Non-conforming lots of records) and Section 400.1020 in Article V, Division 1 of the University City Zoning Code

**AGENDA SECTION:** New Business

**COUNCIL ACTION:** Passage of Ordinance required for Approval

**CAN THIS ITEM BE RESCHEDULED? :** Yes

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### **BACKGROUND REVIEW:**

The proposed text amendment would allow for more infill development in the older areas of University City by modifying the dimensional regulations for qualifying subdivisions platted prior to 1926. The intention of these Text Amendments is to encourage development in University City that is consistent with the prevailing pattern of each subdivision and to simplify the regulations for non-conforming lots so that the District regulations prevail.

Per Section 400.3080, the Zoning Code currently restricts the use of non-conforming residential lots in SR (Single Family Residential) and LR (Limited Residential) to either open space or single-family development regardless of the District regulations that pertain to each lot. Section 400.3080 also restricts the use of non-conforming non-residential lots to either open space or office regardless of the District regulations that pertain to each lot. The dimensional non-conformity of a lot should not determine the use of the lot, especially when District regulations already apply. The proposed Text Amendment to Section 400.3080 would remove the use restrictions of dimensionally non-conforming lots to allow the District regulations to regulate the use of such lots.

Per Section 400.1020, the Zoning Administrator can administratively reduce a lot of record's width to no less than 37 ½ feet and a lot's area to no less than 4,500 square feet. These minimums exclude many lots in subdivisions with prevailing patterns smaller than these dimensions, particularly those north of Olive Boulevard. Section 400.1020 also requires the applicant demonstrate the prevailing pattern of the lots surrounding their property to justify their requested dimensional reduction. The Text Amendment provides the minimum width and area of subdivisions with currently non-conforming prevailing patterns to reduce this burden on the applicant. If a lot's dimensions are reduced per Section 400.1020, the lot is still considered dimensionally non-conforming. With this Text Amendment, lots consistent with their subdivision's prevailing pattern would be considered dimensionally conforming. The proposed Text Amendment simplifies how prevailing patterns are determined and allows for the creation of lots of record that are consistent with the prevailing pattern of the subdivision in which they are located. Across the City, 165 lots would be eligible to be subdivided to be consistent with the prevailing pattern of their subdivision. Of these 165 lots, there are 65 lots that have a single structure on one side of the lot and what appears to be a vacant side lot next door. These lots would be the most likely to be subdivided. Maps I and II below show where these two groups of lots are located in University City.

The Plan Commission reviewed the proposed Text Amendments at their November 28, 2018 meeting and recommended approval.

This agenda item requires a public hearing at the City Council level and passage of an ordinance. The public hearing and first reading should take place on January 14, 2019. The second and third readings and passage of the ordinance could occur at the subsequent January 28, 2019 meeting.

**RECOMMENDATION:** The City Manager is recommending approval of this item.

**ATTACHMENTS:**

- 1: Transmittal Letter from Plan Commission
- 2: Attachment A: Maps
- 3: Draft Ordinance