

**CITY OF NORMANDY, MISSOURI
AN ORDINANCE**

**1st READING 12/12/2023
2nd READING 06/11/2024**

**BILL NO. 23-32
ORDINANCE NO. 814**

AN ORDINANCE OF THE CITY OF NORMANDY, MISSOURI, AMENDING CHAPTER 405: ZONING, BY THE ENACTMENT OF A NEW ARTICLE XX CREATING A UNIFORM SITE PLAN REVIEW PROCEDURE

WHEREAS, The Code of Ordinances of the City of Normandy requires review and approval of a site plan as a condition of various developments, permits, and other permissions; and

WHEREAS, the procedure currently applicable to all such site plan reviews is found in Article XIII, Section 405.790 of City's Zoning Regulations; and

WHEREAS, the City Council believes it is in the best interest of the City and its residents to amend the Code of Ordinances to create a uniform site plan review procedure and criteria clearly applicable to all developments which require site plan review and approval; and

WHEREAS, Section 89.060 of the Revised Statutes of Missouri empower the City Council to amend and modify the City's Zoning regulations; and

WHEREAS, the City Council previously referred the creation of a uniform site plan review procedure to the Planning and Zoning Commission of the City of Normandy, and the Planning and Zoning Commission forwarded a favorable recommendation of said procedure to the City Council; and

WHEREAS, the City Council of the City of Normandy, Missouri, held a public hearing thereon at Normandy City Hall on January 9th, 2024, beginning at 6:30 p.m.; and

WHEREAS, notice of said public hearing had previously been published at least 15 days prior to the hearing in the St. Louis Countian, a newspaper of general circulation in the City of Normandy and otherwise posted and published in accordance with Chapter 89, RSMo and applicable City ordinances; and

WHEREAS, all persons who presented themselves and desiring to be heard were given an opportunity to be heard and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the City Council, and the Bill was read by title in open meeting two times before final passage by the City Council; and

WHEREAS, the City Council being fully informed finds that that the creation of a uniform site plan review procedure will be in the best interest of the City and its residents and will not adversely affect the character of the neighborhood, traffic conditions, fire hazards, public utility facilities, and other matters pertaining to public health, safety and general welfare of the community;

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

Section 1

Chapter 405: Zoning Regulations of the Code of Ordinances of the City of Normandy is hereby amended by the enactment of a new Article XX, Sections 405.1050, 405.1060, 405.1070, 405.1080, 405.1090, and 405.1100 to read as follows:

CHAPTER 405 ZONING REGULATIONS

ARTICLE XX SITE PLAN REVIEW

Section 405.1050 Site Plan Review – Purpose, when required.

- A. It is recognized that there is a value to the public in establishing safe and convenient traffic movement to all developments including intensely developed sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to nearby uses; further that there are benefits to the public in conserving natural resources. Toward this end, this chapter requires site plan review and approval by the Planning and Zoning Commission and the City Council for buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, adjacent land usage, and the character of future urban development.

- B. The site plan is intended to demonstrate the character and objectives of the proposed development in adequate detail for the Planning and Zoning Commission to evaluate the effect the proposed development would have on the community, and determine what provisions, if any, should be included as part of the plan and be binding on the use and development of the property.

- C. The following permit applications, uses, and/or buildings and structures shall require site plan review and approval subject to this Article:
 - 1. A multiple-family building containing three or more dwelling units.
 - 2. More than one multiple-family building on a lot, parcel, or tract of land or on a combination of lots under one ownership.
 - 3. Any development of building or structure or addition thereto in the “E”, “F”, “G”, or “MU” district with floor area greater than 500 square feet.
 - 4. Any new parking area or expansion or improvement to an existing parking area in excess of ten spaces.
 - 5. Any use which requires a special use permit pursuant to Section 405.790.

Section 405.1060

Site Plan Review - Procedure.

- A. *Staff review.* The site plan shall be submitted with the application for site plan approval to the City Administrator, or his or her designee, who shall institute an administrative review of the application and supporting documents by all affected City departments. The results of this review shall be reported to the Planning & Zoning Commission for its consideration.
1. If the City Administrator, or his or her designee, determines that an application is incomplete, he or she shall notify the applicant of the specific ways in which the application is deficient within 15 days of submittal, and no further processing of the application shall occur until the deficiencies are corrected. If the application is not completed within 30 days of the notice, the incomplete application is deemed rejected.
 2. Preapplication meetings may be requested by the City Administrator for any application. Where required, the applicant shall confer with the City Administrator and other City officials designated by the City Administrator. The purpose of the preapplication meeting is to discuss the general nature of the proposal, including but not limited to:
 - a. Classification of the application,
 - b. Procedure and submittal requirements for the application,
 - c. Criteria for processing and decisions on the application,
 - d. Notification requirements, timing and other procedural prerequisites, or whether any special community outreach may be important,
 - e. Planning and infrastructure impacts, including the need for any additional technical studies or outside agency coordination and review,
 - f. The relationship to the City's General Land Use Plan, and whether any specific plans, policies or other design, development or economic development initiatives impact the application,
 - g. Zoning requirements for the property in question and adjacent property,
 - h. Opportunities to improve any preliminary design concepts and better relate project benefits or mitigate impacts to other public or private investments in the area.
 3. Staff report. The City Administrator, or his or her designee, shall prepare a staff report in light of the appropriate policies, plans and regulations. The City Administrator shall provide a copy of the report to the Planning & Zoning Commission and to the applicant before the scheduled meeting.
- B. *Planning & Zoning Commission Review.* Upon completion of Staff Review, the Planning & Zoning Commission shall perform their review at the next regularly scheduled meeting of the Planning and Zoning Commission for which the item may be scheduled and shall adjourn and reconvene as is determined necessary. Within thirty (30) days of completion

of such review, the Planning & Zoning Commission shall file its recommendation with the City Council.

- C. *City Council Procedure.* Upon receipt of the recommendation of the Planning & Zoning Commission, the Council shall hold a public hearing in relation to the application. The City Council may, at its discretion, add to or delete conditions recommended by the Planning and Zoning Commission. The City Council may refer the application back to the Planning and Zoning Commission for further study before making its final decision, but no further public hearing shall be required. The decision rendered by the City Council shall require a simple majority vote except that a vote of at least two-thirds (2/3) of all the members of the City Council will be required to approve any application which fails to receive a favorable Planning and Zoning Commission recommendation.
1. Notice of any public hearing before the City Council in relation to the application shall be given at least fifteen (15) days prior to such hearing by publication in a newspaper of general circulation within the City. The notice shall state the time and place of the hearing and the subject matter of the hearing. Publication fees shall be paid by the applicant to the City prior to publication.
- D. *Criteria for Site Plan Approval.*
1. *Review Criteria.* The decision of the City Council shall be based on the following standards:
 - a. The conservation of natural resources on the property proposed for development, including trees and other living vegetation, steep slopes, watercourses, floodplains, soils, air quality, scenic views, and historic sites.
 - b. The provision of safe and efficient vehicular and pedestrian transportation both within the development and the community.
 - c. The provision of usable open space to meet the needs of the proposed development.
 - d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.
 - e. The compatibility of the overall site design (location of buildings, parking lots, screening, general landscaping and architectural design) and the land use within the existing area, including proximity to similar uses, and projected future development of the area.
 - f. The existence or provision of adequate public facilities to serve the proposed development (i.e., water lines, sewer lines, streets, etc.).
 - g. Conformance of the site development plan with the general land use plan and any other applicable requirements of the zoning regulations.
 2. *Findings and approval.* Upon approval of a site plan, the City Council shall find that the site plan and associated development is consistent with the standards of Section 405.1060 (D) (1), above, and will not:

- a. Substantially increase traffic hazards or congestion;
 - b. Adversely affect the character of surrounding commercial uses or adjacent residential uses or of the neighborhood;
 - c. Substantially increase fire hazards or make difficult access by fire and emergency vehicles;
 - d. Adversely affect the general welfare of the community; and
 - e. Overtax public utilities.
- E. *Effect of decision.* Approval of a site plan shall authorize the applicant to apply for a building permit, and other applicable permits subject to the following:
1. The site plan approval shall expire and be of no effect 180 days after the date of approval thereof, unless, within such time, a building permit for any proposed work authorized under the site plan approval has been issued. The site plan approval shall expire and be of no effect 365 days after the date of its issuance if construction has not begun and been pursued diligently on the property. Upon recommendation and report of the City Administrator, the City Council may grant an extension for up to 365 additional days.
 2. The filing of a site plan shall constitute an agreement by the owner and applicant, their heirs, successors, and assigns, that if the site plan is approved and permits issued for the improvement of such property that all activities subsequent thereto shall be in conformance with the approved site plan for the property in question. Any violations shall be grounds for the City Administrator or his/her designee to issue stop-work orders, withhold further permits, and take all actions necessary for the enforcement of the approved site plan.
 3. Prior to the issuance of any building permit, or any other permit authorizing the use of the property in question, the property owner shall record a copy of the approved site plan, legal description of the property, out-boundary survey, and all other plan sheets, along with any subsequent amendments, with the County Recorder of Deeds.
- F. *Appeals.* If a party with standing, as defined herein, alleges that there is an error in any order, requirement, decision, or determination made by the City Council, such party may appeal the adverse decision to the Board of Adjustment.
1. Appeals shall be filed in writing with the City Administrator within 7 days of the issuance of the decision by the City Council. All filing fees required pursuant to Section 405.845 of this Code shall be paid at the time the appeal is filed.
 2. The written request for review by the Board of Adjustment must set forth in a concise manner:
 - a. the factual basis upon which the appellant qualifies as a “party with standing,” as defined in this Section;
 - b. the decision being appealed; and

- c. a complete description of the error(s) alleged, and all grounds known to the appellant as to why the decision is allegedly in error.
3. The following persons and entities shall have standing to appeal the action of the review body:
 - a. The applicant;
 - b. The City Administrator, on behalf of any public official, department, or agency;
 - c. Any owner of land that is the subject of the action or proposed action; and
 - d. Any other person given the right of appeal by law.
4. The Board of Adjustment shall consider the appeal at a public hearing, with notice of such hearing given in accordance with Section 405.840 of this Code.
5. Any decision of the Board of Adjustment must be made in accordance with Section 405.850 of this Code.

Section 405.1070 Building Permits May Be Issued, When.

Building permits shall not be issued for any use or proposed construction for which site plan review is required until site plan approval has been granted.

Section 405.1080 Submission Requirements.

- A. The site plan shall be of a scale not to be greater than one inch equals 20 feet nor less than one inch equals 200 feet, and of such accuracy that the plan can be readily interpreted, and shall include more than one drawing or specific details where required for clarity. The number of pages submitted will depend on the proposal's size and complexity. The applicant shall make notations explaining the reasons for any omissions.
- B. Schematic or illustrative sections shall be drawn to a scale of one (1) inch equals eight (8) feet or larger, indicating both edge conditions and internal grade changes in relation to principal variations of internal building levels and sight line relations to adjacent structures.
- C. The site plan shall include the following data, details, and supporting plans which are relevant to the proposal:
 1. Project data, including the following:
 - a. Site area (square feet and acres).

- b. Allocation of site area by building coverage, parking, loading and driveways, and open space areas including total open space, recreation area, landscaped areas and others.
 - c. Total dwelling units and floor area distributed by general type (one (1) bedroom, two (2) bedroom, etc.) and total floor area ratio and residential density distribution (if applicable).
 - d. Floor area in non-residential use by category and total floor area ratio (if applicable).
2. Name of the project, address, boundaries, date, north arrow, and scale of the plan.
3. Name and address of the owner of record, developer and seal of the engineer, architect, land surveyor or landscape architect.
4. Name and address of all owners of record of abutting parcels.
5. All existing lot lines, easements and rights-of-way. Include area in acres or square feet, abutting land uses and structures.
6. The location and use of all existing and proposed structures within the development. Include all dimensions of height and floor area and show all exterior entrances and all anticipated future additions and alterations.
7. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs and fences. Location, type and screening details for all waste disposal containers shall also be shown.
8. The location, height, intensity and bulb type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
9. The location, height, size, materials and design of all proposed signage.
10. A landscape plan showing all existing open space, trees, forest cover and water sources and all proposed changes to these features, including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas.
11. The location of all present and proposed utility systems, including:
 - a. Sewerage system;
 - b. Water supply system;
 - c. Telephone, cable and electrical systems; and

- d. Storm drainage system, including existing and proposed drain lines, culverts, catch basins, head walls, end walls, hydrants, manholes and drainage swells.
12. Plans to prevent the pollution of surface or ground water, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table and flooding of other properties, as applicable pursuant to Chapter 525 of this code.
 13. Existing and proposed topography shown at not more than two-foot contour intervals. All elevations shall refer to the United States Geodetic Survey (USGS) datum. If any portion of the parcel is within the 100-year floodplain, the area shall be shown with base flood elevations, and the developer shall present plans for meeting Federal Emergency Management Agency (FEMA) requirements.
 14. Existing and proposed zoning district boundaries adjacent to the site's perimeter shall be drawn and identified on the plan.
 15. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within one hundred (100) feet of the site.
 16. The proposed general use and development of internal spaces, including all recreational and open space areas, plazas and major landscaped areas by function, and the general location and description of all proposed outdoor furniture.
 17. The location and details (including a description of materials and appearance) of all retaining walls, fences, and earth berms.
 18. The description and location of all refuse collection facilities including screening to be provided.
 19. Any other criteria required by other applicable sections of this Code.
- C. At its discretion, the Planning & Zoning Commission may require a detailed traffic study for mixed-use and multi-tenant developments or for developments in heavy traffic areas to include:
1. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
 2. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and
 3. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall also be given.

Section 3 – Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, phrases, and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase, or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases, and words of this ordinance since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

Section 4 – Effective Date

This Ordinance shall be in full force and effect upon the passage of this Ordinance and its approval by the Mayor and attested by the City Clerk.

PASSED by the Council of the City of Normandy and **APPROVED** by the Mayor this **11th** day of **June**, 2024.

(SEAL)

Attest:




Khianna C. DeGarmo, City Clerk



Honorable Mark Beckmann, Mayor

APPROVED AS TO FORM:



Andrew R. Bramman - City Attorney