

**CITY OF NORMANDY, MISSOURI
AN ORDINANCE**

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

**BILL NO. 23-33
ORDINANCE NO. 815**

AN ORDINANCE OF THE CITY OF NORMANDY, MISSOURI, AMENDING CHAPTER 405: ZONING REGULATIONS, ARTICLE XIII: NON-CONFORMING USES, SECTION 405.790: AUTHORITY OF THE CITY COUNCIL TO GRANT SPECIAL PERMITS FOR CERTAIN OTHERWISE PROHIBITED PURPOSES, BY MAKING CERTAIN DELETIONS AND ADDITIONS NECESSARY FOLLOWING THE ADOPTION OF A NEW MIXED-USE DISTRICT ORDINANCE AND A NEW SITE PLAN REVIEW PROCEDURE

WHEREAS, Section 405.790 of the City’s Zoning Regulations empowers the City Council to grant special permits for certain otherwise prohibited uses in certain districts; and

WHEREAS, the procedure currently applicable to site plan reviews is found in Section 405.790 of the City’s Zoning Regulations; and

WHEREAS, the City Council previously enacted Ordinance Number 812, creating thereby a new mixed-use district, which prohibits certain specified uses except by special permit; and

WHEREAS, the City Council previously enacted Ordinance Number 814, creating a uniform site plan review procedure to replace the procedure currently set forth in Section 405.790; 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 proposed changes to Section 405.790 to the Planning and Zoning Commission of the City of Normandy, and the Planning and Zoning Commission forwarded a favorable recommendation of said changes 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 the following necessary changes to Section 405.790 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, Article XIII: Non-Conforming Uses, Section 405.790: Authority of the City Council to Grant Special Permits for Certain Otherwise Prohibited Purposes of the Code of Ordinances of the City of Normandy is hereby amended to read as set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section 2

All other Sections and Subsections of Chapter 405: Zoning Regulations, of the Code of Ordinances of the City of Normandy, Missouri shall remain in full force and effect.

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.

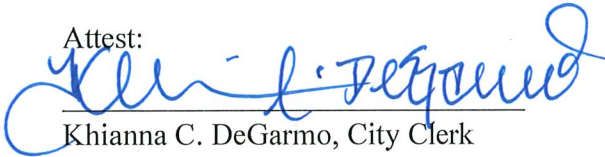
PASSED by the Council of the City of Normandy and **APPROVED** by the Mayor this **11th** day of **June**, 2024.



Honorable Mark Beckmann, Mayor

(SEAL)

Attest:



Khianna C. DeGarmo, City Clerk

APPROVED AS TO FORM:



Andrew R. Bramman - City Attorney

EXHIBIT A

CHAPTER 405 ZONING REGULATIONS

ARTICLE XIII NON-CONFORMING USES

Section 405.790. Authority of the City Council to Grant Special Permits for Certain Otherwise Prohibited Purposes.

- A. Purpose. Special uses are those types of uses which are considered by the City to be essentially desirable, necessary, or convenient to the community, but which by their nature or in their operation have:
1. A tendency to generate excessive traffic,
 2. A potential for attracting a large number of persons to the area of the use, thus creating noise or other pollutants;
 3. A detrimental effect upon the value or potential development of other properties in the neighborhood, or
 4. An extraordinary potential for accidents or danger to public health or safety.
- B. Procedures. A Special Use Permit application may be initiated by a verified application of the owners of record or owners under contract of a lot or tract of land, or their authorized representatives, or by the Planning and Zoning Commission or by the City Council. Any application submitted by an owner under contract must also evidence that the owner of record has authorized and approved of the proposed application and granting of the permit requested thereby. Procedures for application, review, and approval of a Special Use Permit shall be as follows:
1. Application. Application for a Special Use Permit for a specific tract of land shall be addressed to the Planning and Zoning Commission. The application shall be filed on forms prescribed for that purpose and be accompanied by the following information and materials, provided however, that at the request of the applicant, the City Council may waive compliance with such of the following requirements as it may determine to be unnecessary or unduly burdensome in a particular instance:
 - a. Filing fee per requirements of the City.
 - b. Legal description of the property.
 - c. An outboundary survey plat, with a land surveyor's seal and statement of verification regarding the source of boundary dimensions, bearings, and

source of contour data. The plat shall also identify adjoining properties and the record owners thereof.

- d. A site plan conforming to the requirements set forth in Section 405.1080 of this Code.
2. Burden of proof. In presenting any application for a Special Use Permit, the burden of proof shall rest with the applicant to clearly establish that the proposed special use shall meet the following criteria:
- a. The proposed special use complies with all applicable provisions of the applicable District regulations.
 - b. The proposed special use at the specified location will contribute to and promote the welfare or convenience of the public.
 - c. The proposed special use will not have a deleterious impact on the value of other property in the neighborhood in which it is to be located.
 - d. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning District regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:
 - (1) The location, nature and height of buildings, structures, walls, lighting and fences on the site; and
 - (2) The nature and extent of proposed landscaping and screening on the site.
 - e. Off-street parking and loading areas are provided in accordance with the standards set forth in these regulations.
 - f. Adequate utility, drainage, and other such necessary facilities are provided.
 - g. The proposed special use is consistent with good planning practice; can be operated in a manner that is not detrimental to permitted developments and uses in the District; can be developed and operated in a manner that is visually compatible with permitted uses in the surrounding area; and is deemed essential or desirable to preserve and promote the public health, safety, and general welfare of the City of Normandy.

3. Review procedures.
 - a. Upon receipt of a completed application, the Planning and Zoning Commission shall institute an administrative review of the application and site plan by all affected City Departments and any consultants designated by the City. The site plan shall be reviewed according to the provisions of Sections 405.1060 of this Code. The results of this review shall be reported to the Planning and Zoning Commission for its consideration. The Commission shall consider an application after all required documents are filed. The Commission shall recommend approval, approval with specified conditions or denial of the application and shall file its report and recommendation with the City Council.
 - b. Before acting upon any application for Special Use Permit, the City Council shall hold a hearing thereon, after at least fifteen (15) days public notice of such hearing is published in a newspaper of general circulation within the City and written notice is given to all property owners within the City limits whose property lies within one hundred eighty-five (185) feet of the property for which a Special Use Permit has been requested. The City Council may refer the application back to the Commission for additional study before making its final decision. No additional public notice is required to be given.
 - c. The affirmative vote of a majority of all the members of the City Council shall be required to authorize and approve the issuance of any Special Use Permit contrary to the recommendation of the Planning and Zoning Commission. The affirmative vote of two-thirds (2/3) of all the members of the City Council shall be required to authorize and approve the issuance of a special use permit when a protest against the issuance thereof shall be presented in writing to the City Clerk; duly signed and acknowledged by the owners of thirty percent (30%) or more either of the area of the land (exclusive of streets and alleys) included in the application for such permit or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundary of the property for which the permit has been requested.
4. Permit effective — when. The permit shall become effective upon approval by the City Council. In the event that a Special Use Permit is filed in conjunction with a change of zoning, the permit shall not become effective until the date of enactment of an ordinance authorizing the zoning change. In the event that some additional approval is required by some other governmental authority or agency, the permit shall not become effective until that approval is received.
5. Recording. Prior to the issuance of any building permit, or permit authorizing the use of the property in question, the applicant shall record with the St. Louis County Recorder of Deeds: a copy of the approved Special Use Permit, including all

attached conditions, the approved site plan, a legal description of the property, an out-boundary survey and any subsequent amendments.

6. Failure to commence construction or operation. Unless otherwise stated in the conditions of a particular Special Use Permit, substantial work, construction, or operation of the special use where construction is not required, shall commence within six (6) months of the effective date of the permit and shall thereafter be pursued with reasonable diligence unless such time period is extended through appeal to and approval by the City Council. If no appeal is made, and no extension of time is received or granted, the permit shall immediately terminate upon expiration of the six (6) month period.
 7. Revocation of special use permit. Upon finding that an approved Special Use Permit will or has become unsuitable and/or incompatible in its location as a result of any nuisance or activity generated by the use, the City Council shall have the authority to revoke the permit after affording the permittee the right to be heard.
 8. Transferability. All Special Use Permits shall be approved for the originating applicant for a specific location only and may not be transferred to any other location. The permit may not be transferred to any other person or entity prior to commencement of the use without the consent of the City Council.
 9. Procedure to amend approved special use permit. In order to amend an existing Special Use Permit, the application procedures, required materials, and approval process shall be the same as for a new permit.
- C. Special Uses. The City Council of the City of Normandy may, by special use permit, after public hearing, authorize the location of any of the following buildings or uses in the Districts hereinafter designated and from which they are otherwise prohibited by this Chapter; provided however, that appropriate conditions and safeguards shall be imposed to protect the public welfare and to conserve and protect property and property values in the neighborhood.
1. In any District.
 - a. Any public building or facility erected or used by any department of the City, County, State or Federal Government, not specifically addressed in any other provision of this Zoning Code, other than sewage or sanitation facilities.
 - b. Privately operated outdoor recreation fields.
 - c. Private recreational activities for temporary or seasonal periods.
 - d. Churches and houses of religious worship.

- e. Private or public elementary or secondary schools, including nursery, prekindergarten, kindergarten or special schools operated on the same premises.
 - f. Private stables, when located on a lot of three (3) acres or more, provided any such building shall not exceed a capacity of one (1) horse for each acre of lot area and shall not be closer than two hundred (200) feet to any dwelling.
 - g. (Reserved)
 - h. Temporary roadside stands offering for sale products produced on the premises.
 - i. Electrical substations.
2. In the "E", "F" and "G" Districts.
- a. Greenhouses and nurseries, provided that all structures and storage areas must be located at least one hundred (100) feet from any property located in any "R" District.
 - b. Public or private sanitation or sewage collection, detention, treatment or processing facility.
 - c. Childcare facilities.
 - d. Filling stations for automobiles and vehicle service and repair facilities. Provided however, that all storage tanks for volatile substances must be located below ground and at least two hundred (200) feet from any church, school, hospital, playground or similar place of public attendance or assembly, or a children's or retirement or nursing home. The distance shall be the shortest distance from property line to property line.
 - e. Taverns and bars.
 - f. Mortuary establishments.
 - g. Financial institutions not having drive-through facilities.
 - h. Restaurants, but no fast-food restaurants or restaurants with drive-in or drive-through facilities.
 - i. In the "F" District only, pawnbrokers, pursuant to and defined in Section 405.020 of this Chapter.

3. In the "F" and "G" Districts.
 - a. Hospitals, clinics, and institutions, including educational, religious and philanthropic institutions when located on a site containing an area of not less than five (5) acres; provided however, that such buildings shall not occupy over forty percent (40%) of the total area of the lot and will not have any serious and depreciating affect upon the value of the surrounding property, and provided further that the buildings shall be set back at least one hundred (100) feet from the front lot line and shall be set back from the otherwise required side and rear yards an additional distance equal to two (2) feet for each foot of building height.
 - b. Amusement parks.
 - c. Animal hospitals, veterinary clinics and kennels.
 - d. Car washes for automobiles. The facility shall not be located closer than one hundred (100) feet to any adjacent building and shall not have any serious depreciating affect upon the value of the surrounding property.
 - e. Restaurants, including fast food, drive-in or drive-through facilities.
 - f. Financial institutions with drive-through facilities.
 - g. Hotels.
 - h. Residential or outpatient facilities for the treatment of alcohol or other drug abuse, provided however, that no residential facility shall be located within one thousand three hundred (1,300) feet of any other residential facility, and that the building or structure used for any residential facility shall maintain an exterior appearance in reasonable conformance with the general standards of the area.
4. In the "G" Light Industrial District.
 - a. Airport or heliport, including hangars and normal accessory and service buildings.
 - b. Extraction of sand, gravel, or other raw materials.
 - c. Any industrial or manufacturing use provided, except in the case of electrical substations, that all operations and processes are carried on in buildings not closer than one hundred (100) feet to any boundary of any residential District, and provided further, that suitable safeguards and conditions are imposed to protect life and limb and adjacent property and prevent objectionable, dangerous and offensive conditions.

- d. Automobile sales facilities and/or showrooms.
- e. Building material sales yard for the sale of rock, sand, gravel, cement, concrete products and the like, with concrete mixing facilities, but with no rock crushing machinery. No portion of the sales yard proper or concrete mixing plant to be closer than two hundred (200) feet from any adjoining residential District, excluding width of roads.
- f. Adult entertainment establishments or businesses.

5. In the “MU” Mixed-Use District

- a. Any use identified as a Special Use under Section 405.1010 (A) (2) of this Code.
- b. Any use identified as a Special Use under Section 405.1010 (B) (2) of this Code.

D. Severability. It is hereby declared to be the intention of the City Council that each and every part, Section and Subsection of this Section shall be separate and severable from each and every other part, Section and Subsection hereof and that the City Council intends to adopt each said part, Section and Subsection separately and independently of any other part, Section and Subsection. In the event that any part of this Section shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, Sections, and Subsections shall be and remain in full force and effect.