

**INTRODUCED BY:** Councilmember Jeff Hales

**DATE:** July 8, 2024

**BILL NO.:** 9549

**ORDINANCE NO.:** 7365

**AN ORDINANCE AMENDING ZONING CODE SECTION 400.2730 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO STANDARDS FOR MOTOR VEHICLE ORIENTED BUSINESSES, BY MAKING THE STANDARDS INAPPLICABLE TO DEVELOPMENTS ALONG OLIVE BOULEVARD BETWEEN INTERSTATE 170 AND MCKNIGHT ROAD OR WOODSON ROAD; AND AMENDING SECTION 400.780 OF SAID CODE, RELATING TO DENSITY AND DIMENSIONAL REGULATIONS AND PERFORMANCE STANDARDS IN PLANNED DEVELOPMENT DISTRICTS (“PD”), BY CORRECTING THE REFERENCES IN SUBSECTIONS A.4 AND A.5 TO SECTIONS 400.2730 AND 400.2710 OF SAID CODE, RESPECTIVELY.**

**WHEREAS**, Chapter 400 (Zoning Code) of the University City Municipal Code divides the City into several zoning districts and establishes standards therein to which land, buildings, structures and their uses must conform; and

**WHEREAS**, in a meeting held on June 26, 2024, the City Plan Commission examined a Zoning Code text amendment to Section 400.2730 to make the standards for motor vehicle oriented businesses inapplicable to developments along Olive Boulevard between Interstate 170 and McKnight Road or Woodson Road, and a Zoning Code text amendment to Section 400.780.A to correct the reference to Section 400.2730, and recommended to the City Council approval of the text amendments; and

**WHEREAS**, the reference in Section 400.780.A to Section 400.2710 also needs to be corrected; and

**WHEREAS**, due notice of a public hearing to be held by the City Council in the City Council Chambers at City Hall at 6:30 p.m. on August 12, 2024, was duly published on July 28, 2024 in the St. Louis Countian, a newspaper of general circulation within the City; and

**WHEREAS**, the public hearing was held at the time and place specified in said notice, and all suggestions or objections concerning the text amendment to the Zoning Code of the City 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. Zoning Code Section 400.2730 of the University City Municipal Code, relating to standards for motor vehicle oriented businesses, is hereby amended by making the standards inapplicable to developments along Olive Boulevard between Interstate 170 and McKnight Road or Woodson Road, so that said Section, as so amended, shall read as follows:

Section 400.2730. Standards For Motor Vehicle Oriented Businesses.

- A. Applicability. This Section shall apply only to developments having frontage on or access to Olive Boulevard except such developments between Interstate 170 and McKnight Road or Woodson Road.

- B. Locational Requirements. All motor vehicle oriented businesses shall be a minimum of one hundred (100) feet from any other motor vehicle oriented business located on the same side of Olive Boulevard, which distance shall be computed as follows:
1. Such distance shall be measured between the two (2) nearest property lines.
  2. Where a motor vehicle oriented business is a part of a larger development, the one hundred (100) feet shall be measured from the limits of the out parcel, if so designated. If an out parcel is not designated, the distance shall be measured from the boundary of an area which would normally be required for the operation of such motor vehicle oriented business, as approved by the Zoning Administrator.
  3. Where a business is located in a tenant space which is part of a multi-tenant development, and would otherwise be considered a motor vehicle oriented business, the provisions of this Section shall not apply so long as the business shall not provide drive-through services to persons while in their vehicles.
- C. Site Development Standards. The following site development standards are in addition to other standards contained in this Chapter, such as parking and loading, signs, and screening requirements.
1. Lot area and dimensional standards. The following lot area and dimensional standards shall be met for all motor vehicle oriented businesses:
    - a. Minimum lot area. Twenty thousand (20,000) square feet.
    - b. Minimum lot frontage. One hundred fifty (150) feet.  
On corner lots, this frontage requirement shall apply to Olive Boulevard frontage.
  2. Minimum lot area for gasoline stations. Gasoline stations, constituting motor vehicle oriented businesses, shall comply with the following lot area standards:
    - a. Gasoline stations shall be limited to two (2) service islands and three (3) fuel dispensing pumps per island for the first (1st) twenty thousand (20,000) square feet of lot area.
    - b. One (1) service island and three (3) fuel dispensing pumps, plus one (1) vehicle service bay (or vehicle repair bay, where permitted) may be added for each one thousand five hundred (1,500) square feet exceeding the minimum twenty thousand (20,000) square feet of lot area. However, in no case shall more than six (6) service islands be allowed at any gasoline station nor more than three (3) fuel dispensing pumps permitted on each service island, and no more than three (3) vehicle service bays (or vehicle repair bays, where permitted) shall be allowed for each such station.
  3. Ingress and egress.
    - a. The minimum width of driveways at the street right-of-way line shall be twenty-four (24) feet, and the maximum shall be thirty-six (36) feet.
    - b. The minimum distance of any driveway to any side lot line shall be twenty-four (24) feet. This distance shall be measured from the side lot line to the intersection of the street right-of-way line and the edge of the driveway.
    - c. Driveway openings shall be limited to one (1) drive per one hundred (100) feet of lot frontage. For parcels with frontage on more than one (1) street, the number of driveway openings shall be based on the frontage length on each street individually.
    - d. The minimum distance between a driveway entrance and a street intersection shall be thirty (30) feet measured from the intersection of the street right-of-way to the nearest end of the curb radius of the proposed driveway.

Section 2. Zoning Code Section 400.780 of the University City Municipal Code, relating to Density and Dimensional Regulations and Performance Standards in Planned Development Districts (“PD”), is hereby amended by correcting the references in Subsections A.4 and A.5 to Sections 400.2730 and 400.2710 of said Code, respectively, so that said Section, as so amended, shall read as follows:

Section 400.780 Density and Dimensional Regulations and Performance Standards

A. General Standards. The approval of the development plan may provide for such exceptions from the regulations associated with traditional zoning districts as may be necessary or desirable to achieve the objectives of the proposed planned development. No planned development shall be allowed which would result in:

1. Inadequate or unsafe vehicular access to the development;
2. Traffic volumes exceeding the capacity of the adjoining or nearby streets. Capacity shall be based on a street providing "level of service D" as defined in the latest publication of Transportation and Traffic Engineers Handbook, Institute of Transportation Engineers;
3. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the planned development;
4. A failure to comply with the performance standards contained in Article V, Division 12 of this Chapter and the standards established for motor vehicle oriented businesses contained in Article XI, Section 400.2730 of this Chapter; or
5. Other detrimental impacts on the surrounding area including, but not limited to, visual pollution.

In addition to the requirements in this Section, all planned developments shall be subject to the review criteria established in Article XI, Section 400.2710 of this Chapter. It shall be the responsibility of the applicant to clearly establish that the requirements are met.

B. Other Codes. All requirements of other codes and ordinances of the City (e.g., Building Code) shall be applicable.

C. Planned Development — Residential (“PD-R”).

1. Density. While the district regulations specify upper limits to residential density, density of a planned development may be limited to that which is established in the original residential district or which is consistent and compatible with nearby existing developed areas.
2. Calculation of density.
  - a. The computation of density shall be based on dwelling units per net acre for the entire site.
  - b. To compute the number of dwelling units per net acre, fifteen percent (15%) of the gross acreage of the parcel shall be deducted and the net acreage divided by the lowest minimum lot size of the underlying residential district.
- c. Development phasing. If the sequence of construction of various portions of the development is to occur in stages, then the open space and/or recreational facilities shall be developed, or legally provided for on a final plat, in reasonable proportion to the number of dwelling units intended to be developed during any given stage of construction as approved on a final plat by the City Council. Furthermore, at no time during the construction of the project shall the number of constructed dwelling units per acre of developed land exceed the overall density per net acre established by the approved "PD-R" district.

4. Non-residential uses in "PD-R" developments. non-residential uses are limited to those specifically listed in the residential zoning districts. Such non-residential uses shall be subject to all requirements for lot area, width, height, yards and setbacks prescribed in the district in which the proposed "PD-R" development is located.
5. Common open space requirements. Common open space for "PD-R" developments shall be provided in accordance with the provisions of Article V "Supplementary Regulations", Section 400.1150 of the Zoning Code.
6. Perimeter buffer requirements.
  - a. Where a "PD-R" development proposes residential development along the perimeter of the site, which is higher in density than that of an adjacent residentially zoned property, there shall be a minimum thirty (30) foot wide buffer area. The buffer area shall be kept free of buildings or structures and shall be landscaped or protected by natural features so that all higher-density residential buildings are effectively screened from the abutting lower-density residential property.
  - b. Where a "PD-R" development abuts a commercial or industrial use or district, there shall be a minimum thirty (30) foot wide buffer area. This buffer area shall be permanent and landscaped and/or otherwise provided with screening (i.e., sight-proof fencing) so as to effectively screen the commercial or industrial use from the "PD-R" development.

D. Planned Development — Commercial or Industrial Commercial ("PD-C" or "PD-I").

1. Site coverage. Total site coverage by uses permitted in the "PD-C" or "PD-I" districts shall be seventy percent (70%), except as permitted to be exceeded in accordance with Subsection (D)(2) of this Section.
2. Site coverage bonus. The Plan Commission may recommend and the City Council may approve an increase in maximum site coverage from seventy percent (70%) up to ninety percent (90%). In order to qualify for this bonus, the development plan must demonstrate compliance with four (4) or more of the following performance criteria:
  - a. Incorporate storm drainage detention/retention facilities as a site amenity;
  - b. Install storm drainage detention facilities underground;
  - c. Resolution or mitigation of existing off-site storm drainage problems (e.g., drainage channel erosion);
  - d. Increasing parking lot landscaping by fifty percent (50%) more than otherwise required;
  - e. Submitting for approval developments on tracts that are five (5) or more acres in size;
  - f. Design of principal access to the development tract at an approved location that allows for shared access by an adjacent property;
  - g. Construction of separate-grade pedestrian and bicycle paths;
  - h. Providing for screened loading and unloading areas;
  - i. Providing for mixed-use developments that include community facilities that further the goals, objectives and policies of the Comprehensive Plan;
  - j. Demonstration of a development using innovative architectural, site planning and land use design and of such quality as to set an excellent example for subsequent development or redevelopment projects;
  - k. Any other performance criteria that further the goals, objectives and policies of the Comprehensive Plan and that, in the opinion of the Plan Commission and City Council, warrant the approval of development bonuses.

3. Signage. Signage shall be in compliance with Article VIII "Sign Regulations" of this Chapter unless the applicant for a "PD-C" or "PD-I" district designation elects to submit a comprehensive sign plan in addition to the submission of other required development plan documents. The Plan Commission may recommend, and the City Council may approve, a comprehensive sign plan and such plan shall be made part of the ordinance approving the "PD" district. Such ordinance may contain conditions, requirements or standards regarding signs that may be stipulated by the City Council. Comprehensive sign plans approved under this Section shall be evaluated based upon the following criteria:
  - a. Placement. All signs shall be placed where they are sufficiently visible and readable for their function. Factors to be considered shall include the purpose of the sign, its location relative to traffic movement and access points, site features, structures and sign orientation relative to viewing distances and viewing angles.
  - b. Quantity. The number of signs that may be approved within any development shall be no greater than that required to provide project identification and entry signs, internal circulation and directional information to destinations and development subareas and business identification. Factors to be considered shall include the size of the development, the number of development subareas, and the division or integration of sign functions.
  - c. Size. All signs shall be no larger than necessary for visibility and readability. Factors to be considered in determining appropriate size shall include topography, volume of traffic, speed of traffic, visibility range, proximity to adjacent uses, amount of sign copy, placement of display (location and height), lettering style and the presence of distractive influences. In no event shall a plan contain a sign which exceeds by more than twice that of any maximum area standard contained in Article VIII "Sign Regulations" of this Chapter unless otherwise waived by the City Council.
  - d. Materials. Sign materials shall be compatible with architectural and/or natural features of the project. This may be accomplished through similarity of materials for sign structures and faces, the use of complementary colors, similarity of architectural style or the use of consistent lettering style and typography.

A request for approval for a comprehensive sign plan shall accompany the request for "PD-C" or "PD-I" zoning classification and shall include, but is not limited to, the following:

- (1) A site plan depicting the proposed plan of development and illustration of proposed sign locations;
  - (2) Descriptions and drawings indicating size, qualities, materials and illumination; and
  - (3) A narrative description of the common theme for signage within the development, how it relates to architectural and/or landscaping elements of the development, and how the comprehensive sign plan relates to each of the criteria set forth in this Section.
4. Perimeter buffer requirements. Where a "PD-C" or a "PD-I" development abuts a residential district, there shall be a minimum fifty (50) foot buffer area between any non-residential use and the adjacent residential district. This buffer area shall be landscaped in accordance with Article V "Supplementary Regulations", Division 6 of this Chapter.

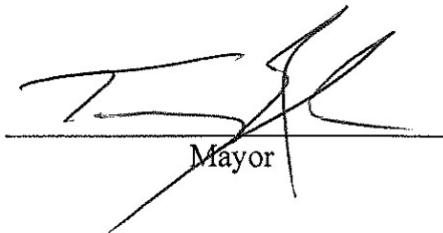
E. Planned Development — Mixed Use ("PD-M"). "PD-M" developments shall incorporate the regulations set forth in both Subsections dealing specifically with "PD-R" and "PD-C" developments, except that the minimum perimeter buffer area may be reduced or not required if the "PD-M" development is on Delmar Boulevard between Kingsland Avenue and the eastern municipal limits, the broadly described boundaries of the University City Loop special business district established in Section 120.900. If an unresolved conflict between those regulations occurs such (as between common open space versus site coverage), the applicant shall set forth the reasons for such discrepancy and the proposed resolution. Any discrepancies between the two (2) sets of regulations and the resolution thereof shall be set forth in the map amendment ordinance and/or the resolution approving the development. The resolution thereof shall be pursuant to staff recommendation or as set forth by the Plan Commission in the map amendment ordinance.

Section 3. This ordinance shall not be construed so as to relieve any person, firm or corporation from any penalty incurred by the violation of Section 400.470 of the University City Municipal Code, nor bar the prosecution of any such violation.

Section 4. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be subject to the penalties provided in Section 400.2570 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 and ADOPTED this 12<sup>th</sup> day of August, 2024.




Mayor

ATTEST:

  
City Clerk

CERTIFIED TO BE CORRECT AS TO FORM:

  
City Attorney