

City of Sunset Hills, Missouri

Public Works Department

MEMORANDUM

To: Mayor Fribis
Board of Alderman
Planning & Zoning Commission

From: Bryson E. Baker, P.E.
City Engineer/Public Works Director

Date: July 1, 2019

Subject: Zoning Code Update

CC: Eric Sterman

On January 10th, 2017, the City of Sunset Hills signed an agreement with Houseal-Lavigne (HL) to furnish technical and professional assistance in connection with the preparation of Development Regulations (Zoning Code) Update. Even though we are calling the project an update, it is actually a rewrite, using the previous code as the boilerplate in which to use as the basis for the new Code.

The project was initiated due to the previous Code being out of date with current industry zoning standards and having many sections that did not have clear interpretations which made it difficult to enforce. By having Houseal-Lavigne rewrite the Code, it allows staff to have a clearer interpretation of the rules and regulations and brings the Code up to date with the current industry standards.

The goals of the Zoning Code Update are for the document to align with the recently adopted Sunset Hills Comprehensive Plan, modernize zoning standards and create a comprehensive, contemporary, user-friendly document. The areas of intended change include strategies such as redevelopment focusing on internal growth and improving the appearance of commercial areas within the City, evaluating the zoning, permitting, and regulatory framework to identify opportunities to encourage infill redevelopment, encouraging greater housing diversity to provide a breadth of housing options, to increase the quality of developments and amend zoning regulations to include a local commercial district with development requirements specifically tailored to the constraints of smaller parcels.

Some of the policy and strategy areas addressed include design standards, pedestrian connections on commercial sites, appropriate parking requirements, landscaping and edge screening in parking lots and buffering/screening between commercial and residential uses and neighborhoods.

Community outreach meetings were held where businesses, residents, Planning & Zoning Commission and the Board of Alderman voiced their concerns regarding issues related to land use, development standards, zoning procedures and development ordinances. Clarification of regulations was also an item that was brought to the City's attention while these discussions were taking place. The use of graphics

and tables, as well as, the removal of obsolete terms and standards were also an important part of the update.

The main steps in creating the update are developing District Standards, Development Standards, Sign Ordinance, Planned Unit Development, Subdivision Ordinance, Administrative Standards and Design Guidelines.

District Standards include reducing the number of zoning districts within the City. The City currently has 17 zoning districts, which is a very high number, especially for a community the size of Sunset Hills. The proposed update includes nine (9) zoning districts. The reduction is accomplished by combining some residential districts, removing the nine (9) planned development districts while expanding the commercial district designations. The new consolidated districts minimize opportunities for subdivision while maintaining the character of existing neighborhoods. Having nine (9) planned development (PD) districts is archaic and not good planning practice. These PD districts were originally developed and adopted to allow certain developments within the City. They were written specifically to allow developments that would not meet the zoning requirements of the City. By adopting the new Planned Unit Development standards, the City will be migrating to the industry standard while allowing the City to have a more efficient, less cumbersome process for staff, applicants and the approving boards.

Development Standards address off-street parking, loading and stacking requirements, landscaping and screening requirements, fence regulations, exceptions, accessory uses as well as other items. Parking dimension standards are being updated to meet current standards. Parking requirements are being modified to change loading space requirements, stacking space requirements, and revising the uses listed in the parking requirements table to match the permitted uses table. Landscaping requirements are being modified to meet current standards with graphics being added to make the document more user friendly and easier to interpret.

Use Provisions is a new section proposed to establish standards for specific uses, both permitted and conditional. Specific uses addressed include Bed And Breakfast establishments, car washes, cemeteries, educational uses, hospitals, hotels, libraries and motor vehicle uses.

The Sign Ordinance is being revised to comply with *Reed vs. the Town of Gilbert* (a case in which the United States Supreme Court clarified when municipalities may impose content-based restrictions on signage), as well as creating a more organized and user friendly document. Permanent signs, temporary signs and exempt signs are addressed with the new changes. A use table, comprehensive sign plan, evaluation criteria, prohibitive signs and electronic message signs are also included.

The Subdivision Ordinance addresses items such as maximum block length, connectivity, private roads, sidewalks, and right-of-way. Street standards, storm water and sewers are also addressed.

Planned Unit Developments intent and purpose is for creative approaches and efficient use of land. The preservation of natural features and providing open space areas within a variety of type, design and layout of buildings is encouraged. The unification of buildings and structures through design, which allow harmonious and compatible land uses or a combination of uses with surrounding areas, as well as alignment with the comprehensive plan. Any non-single-family detached development on a lot of 2-acres or greater *must* be approved as a planned development; any non-single-family-detached development on a lot less than 2-acres *may* be approved as a planned development. The standards for review for planned unit developments include; required findings, city plans, public welfare, impact on other property, impact on public facilities and resources, parking and traffic, adequate buffering, performance, appearance and signs. Planned unit developments modification standards include; integrated design, beneficial common open space, location of higher buildings, functional and mechanical features, visual and acoustical

privacy, sustainable best practices, landscape conservation and visual enhancement, drives, parking and circulation and storm water.

Conditional use standards were moved to proposed Section 5 (Use Provisions) as part of Administration. Fees and penalties were removed from the ordinance and definitions were consolidated in Section 15.

Graphics are a new addition to the zoning code. Graphics serve several purposes in a zoning ordinance: clarify zoning terms and provisions, provide a handy reference to major features of the ordinance and increase the readability of the ordinance.

The City is also proposing to include Design Guidelines in the Zoning Code Update. Design guidelines are sets of recommendations that encourage the design and construction of new residential or commercial development that harmonizes with the character and identity of the community. Design guidelines are utilized prior to commencing the design of new developments as an educational tool and serve as a measuring stick to assessing proposed development. The addition of design guidelines will be invaluable to the City, primarily due to the current Code not including any type of design guidelines. Design guidelines address building placement and orientation, building height, bulk, proportion, form, materials and colors, roofs, doors, windows, architectural style, parking and service areas, lighting and landscaping, signage and awnings and public improvements. The addition of guidelines versus standards was discussed. Guidelines are being proposed due to their greater flexibility, more graphic, more easily revised and alignment only being required for conditional uses or planned developments. Standards are more myopic, alignment is required for all applicable uses, revisions must be made through text amendments, and most importantly, it is more difficult to enforce and administer, which is what the City is trying to avoid.

Public meetings to discuss the proposed Zoning Code are scheduled for Monday, July 8th and Wednesday, July 10th at 6pm. The July 8th meeting will be held to collect public input and the July 10th meeting is scheduled for the Planning and Zoning Commission to discuss the public comments and their own thoughts on the proposed update. On Wednesday, July 17th at 7pm, Houseal-Lavigne will be in attendance at the Planning & Zoning Commission meeting to answer any questions regarding the update. A public hearing will also be held at this meeting. The Planning and Zoning Commission may vote on the adoption of the proposed update at this meeting. Their vote will be a recommendation to the Board of Alderman for approval or denial, or approval with recommendations. The Board of Alderman will take up the issue at their next meeting following the recommendation from Planning and Zoning.

Please see the Houseal-Lavigne document titled Zoning Revisions Summary on the City website's New Zoning Code page. The document gives an overview of the proposed Zoning Code update changes from Houseal-Lavigne.