

DISTRICT STANDARDS

SECTION 1. - GENERAL

1.1 - Purpose and scope of zoning regulations.

1.1-1 *General*: For the purpose of promoting health, safety, morals or the general welfare of the community, the City of Sunset Hills zoning ordinance, in accordance with the Revised Statutes of Missouri, provides for the following:

- (A) To regulate and restrict the height, number of stories, and size of buildings and other structures;
- (B) To regulate and restrict the percentage of lot that may be occupied;
- (C) To regulate and restrict the size of yards, courts and other open spaces;
- (D) To regulate and restrict the density of population;
- (E) To regulate and restrict the location and use of buildings, structures and land for trade, industry, residence or other purpose; and
- (F) To establish other regulations of land use and development that is consistent with the statutory authority afforded to the City of Sunset Hills so as to promote the public health, safety, morals and general welfare of the city.

1.1-2 *Comprehensive plan*: The zoning ordinance is designed to be consistent with policies of the comprehensive plan as adopted by the city, and as may be amended from time to time, and further is designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve features of historical significance; to facilitate the adequate provision of transportation, water sewerage, schools, parks, and other public requirements.

1.2 - Applicability.

Except as otherwise provided for in Section 10, "Non-conforming Situations," all structures erected hereafter, all uses of land or structures established hereafter, all structural alterations or relocation of structures occurring hereafter, and all enlargements or additions to existing uses occurring hereafter shall comply with the regulations of this ordinance.

1.3 - Interpretation.

The provisions of this ordinance shall be considered the minimum requirements for the promotion of the public health, safety, morals, and general welfare. Wherever the regulations of this ordinance require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations of this ordinance shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations of this ordinance, the provisions of such statute or local ordinance or regulation shall govern.

1.4 - Validity and severability.

1.4-1 *Legislative intent*: It is hereby declared to be the legislative intent that:

- (A) If a court of competent jurisdiction finds any provisions of this ordinance to be invalid or ineffective in whole or in part, the effect of such decisions shall be limited to those provisions which are expressly stated

in the decision to be invalid or ineffective, and all other provisions of this ordinance shall continue to be separately and fully effective.

- (B) If a court of competent jurisdiction finds the application of any provision or provisions of this ordinance to any lot, building or structure to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property or situations, shall not be affected.
- (C) While any provision or provisions of this ordinance or application of any provision or provisions of this ordinance to any lot, building or structure is before a court of competent jurisdiction, all other provisions of this ordinance and all other applications of the provisions of this ordinance to other lots, buildings or structures shall continue to be separately and fully effective.

1.5 - Repeal of previous ordinances.

Ordinance number 435, adopted January 5, 1971, approving the zoning regulations contained in Appendix B of the Code of Ordinances of the City of Sunset Hills, and any other ordinance amending said Appendix B are hereby repealed, except for any ordinance approving a preliminary or final development plan under the provisions of Section 9 (Planned Development) of said zoning regulations.

1.6 - Construction begun prior to adoption of ordinance.

Nothing in this ordinance shall be deemed to require any change in the plans, construction or designated use of any buildings or structures upon which actual construction has been approved or was lawfully begun prior to the adoption of this ordinance and upon which buildings or structures actual construction has been diligently carried on, and provided further that such buildings or structures shall be completed within two (2) years from the date of passage of this ordinance.

1.7 - Restoration of unsafe buildings.

Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe by the zoning enforcement officer or where required by any lawful order.

1.8 - Saving clause.

All rights or remedies of the city are expressly saved as to any and all violations of any previous zoning ordinance or amendments thereto, at the time of the effective date of this ordinance or amendments thereto and the prosecutions of such violations shall not be abated by the enactment of this ordinance or amendments thereto.

SECTION 2. - GENERAL PROVISIONS

2.1 - Other applicable regulations.

Other ordinances and codes of the City of Sunset Hills governing buildings, land development, property maintenance, and building occupancy include, but are not necessarily limited to, the following:

- 2.1-1 *Subdivisions*: (Appendix A, City of Sunset Hills Code of Ordinances).
- 2.1-2 *Sign Regulations*: (Appendix D, City of Sunset Hills Code of Ordinances).
- 2.1-3 *Building Code*: (Chapter 7, City of Sunset Hills Code of Ordinances);
- 2.1-4 *Flood Damage Control*: (Appendix E, City of Sunset Hills Code of Ordinances);
- 2.1-5 *Explosives Code*: (Chapter 9.5, City of Sunset Hills Code of Ordinances); and
- 2.1-6 *Zoning Performance Standard Regulations*: (Section 1003.163, subsection 3, Revised Ordinances of St. Louis County).

Commented [JW1]: Is this still correct?

(Ord. No. 1537, § 1(Exh. A), 12-9-2003)

2.2 - Establishment of zoning districts.

In order to regulate and restrict the location of businesses, industries, residences and other land uses and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings hereafter erected or altered; to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of yards, courts, and other spaces within and surrounding such buildings, the city is hereby divided into the following districts. Furthermore, such districts classifications as were in effect at the time of adoption of this ordinance are hereby afterwards to be classified as follows:

District Classification
R-1 Single Family
R-2 Single Family
R-4 Single Family
R-6 Single Family
LC Local Commercial
RC Regional Commercial
LI Light Industrial
PO Professional Office

Commented [JW2]: Former district column eliminated

Commented [JW3]: NU and R-1 districts combined with min. lot area of 1 acre

Commented [JW4]: R-2 and R-3 districts combined with min. lot area of 15,000 sq/ft

Commented [JW5]: R-4 and R-5 district combined with min. lot area of 7,500 sq/ft

Commented [JW6]: Remains the same

Commented [JW7]: All PD district eliminated to allow as-of-right development, PDs to become overlay

2.3 - Official zoning map.

2.3-1 *Official zoning map*: The boundaries of the zoning districts established herein are delineated on a map entitled "Official Zoning Map." The official zoning map and all the notations, references, and other information shown thereon are a part of this ordinance, and have the same force and effect as if the official zoning map and all the notations, references, and other information shown thereon were all fully set forth or described herein, which zoning map is attached hereto and made a part of this ordinance by reference.

2.3-2 *Record of amendments to official zoning map*: The zoning enforcement officer shall maintain a record of all subsequent amendments to the official zoning map. An up-to-date copy of said map shall be available at City Hall for public inspection.

(Ord. No. 1537, § 1(Exh. A), 12-9-2003)

2.4 - Interpretation of official zoning map.

2.4-1 *Zoning of streets, alleys, etc.*: All open, vacated or abandoned streets, alleys and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same district as the property immediately abutting upon such streets, alleys or railroad rights-of-way.

2.4-2 *District boundaries*: Wherever any uncertainty exists as to the boundary of any zoning district shown on the official zoning map, the following rules of interpretation shall apply:

- (A) Where district boundary lines are indicated as following streets, alleys, or similar rights-of-way, they shall be construed as following the centerlines thereof.
- (B) Where district boundary lines are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
- (C) Where a lot of record is divided by a district boundary line, the entire lot shall be construed to be within the district containing more than one-half (½) of the area of the lot.

(Ord. No. 1537, § 1(Exh. A), 12-9-2003)

2.5 - Zoning of annexed land.

As soon as practical after the annexation of property into the city, the board of aldermen shall adopt an ordinance, or ordinances, that rezones the annexed property, or properties, to an appropriate zoning district, or districts, pursuant to the provisions of Section 11 "Amendments".

(Ord. No. 1537, § 1(Exh. A), 12-9-2003)

2.6 - Rules of construction.

For the purpose of this ordinance, certain rules of construction apply to the text, as follows:

2.6-1 *Tense*: Words used in the present tense include the future tense; the singular includes the plural; and plural indicates singular, unless the context clearly indicates the contrary;

2.6-2 *Mandatory versus permissive*: The terms "shall" and "must" are mandatory and not discretionary; the words "may" or "should" are permissive;

2.6-3 *Definitions herein*: The words and phrases expressly defined herein shall be given the defined meaning, unless indicated otherwise by the context;

2.6-4 *Not defined herein*: Words and phrases that are not defined herein shall be given their usual meaning except where the context clearly indicates a different or specified meaning;

2.6-5 *Use or occupy*: The words "use" or "occupy" shall include the words "intended", "designed", or "arranged" to be "used" or "occupied."

(Ord. No. 1537, § 1(Exh. A), 12-9-2003)

2.7 - Computation of time.

2.7-1 *Saturdays, Sundays and legal holidays*: Unless otherwise specifically provided, the time within which an action is to be taken shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday or legal holiday, observed by the city, the deadline for action shall be the next day that the city is open for business. When the period of time prescribed includes intermediate Saturdays, Sundays and/or legal holidays, such days shall be counted.

2.7-2 *Calendar days*: The time period legally required by law for public notices shall include all calendar days, unless specified otherwise by law.

2.7-3 *Notice by mail*: Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon such person and the notice or paper is served by mail, three (3) days shall be added to the prescribed period.

(Ord. No. 1537, § 1(Exh. A), 12-9-2003)

Commented [JW8]: All definitions to be moved to separate section

SECTION 3. - DISTRICT REGULATIONS

3.1 - General.

The following sections provide specific regulations regarding the use and development of property within the various zoning districts. These district regulations are supplemented by additional regulations appearing elsewhere in this Ordinance or other regulations contained in the Sunset Hills Code of Ordinances. Other regulations contained in this ordinance that provide development standards includes, but is not necessarily limited to, the following:

- (A) Supplementary Regulations (see Section 5).
- (B) Off-Street Parking and Loading Requirements (see Section 6).

Commented [JW9]: Changed for consistency after deletion of definitions section

(Ord. No. 1537, § 1(Exh. A), 12-9-2003)

3.2 – Zoning Districts

3.2-0 POS District: The intent and purpose of the Parks and Open Space District is to encompass those areas in the City that are under either public or private ownership and are parks, open space, vacant land, or agricultural land.

3.2-1 R-1 District: The intent and purpose of the R-1 district is to encompass those areas in the City with a low density, detached single-family, residential character with natural topography. This district may also accommodate limited institutional uses which directly serve the single-family residential community such as fire and police stations.

3.2-2 R-2 District: The intent and purpose of the R-2 district is to encompass those areas in the City with a low-medium density, detached single-family residential character with attached single-family permitted conditionally. This district may also accommodate some additional uses which directly serve the single-family residential community such as schools, libraries, and places of worship.

3.2-3 R-4 District: The intent and purpose of the R-4 district is to encompass those areas in the City with a medium density single-family attached and detached residential character with multifamily permitted conditionally. This district may also accommodate some additional uses which directly serve the single-family residential community such as schools, libraries, and places of worship.

3.2-4 R-6 District: The intent and purpose of the R-6 district is to encompass those areas in the City with a high density single-family attached and detached, and multifamily character. This district may also accommodate a broader range of additional uses such as commercial and office which directly serve the residential community.

3.2-5 LC District: The intent and purpose of the Local Commercial District is to accommodate retail and office uses of a smaller scale which are intended to provide convenience shopping and services to persons living in adjacent residential areas.

3.2-6 RC District: The intent and purpose of the Regional Commercial District is to accommodate retail and wholesale uses serving a larger consumer population. A wider range of uses and structure sizes is permitted in a commercial center and outlot style development.

3.2-7 LI District: The intent and purpose of the Light Industrial District is to accommodate such uses as light manufacturing, fabricating, assembly, disassembly, or processing of goods and products, the nature of which does not have an adverse impact on surrounding uses.

3.2-8 PO District: The intent and purpose of the Professional Office District is to provide an environment suitable for office, research, and warehouse uses developed in a coordinated and complimentary manner to create a park like atmosphere. Activities and scale are limited to assure high quality development and to limit adverse impacts on surrounding uses.

3.3 – Dimensional Standards

The following table addresses the dimensional (also known as bulk standards) applicable to the development or use of a lot in a given district. The Director of Community Development may allow the minimum front, side, or rear setbacks to be reduced by up to 20 percent where s/he finds that any use established as a result of the deviation is unlikely to pose a significant adverse impact on the lots adjacent to the yard that is subject to deviation.

DISTRICT	LOT AREA (sq/ft)	LOT WIDTH (ft)	FRONT (ft)	INTERIOR SIDE (ft)	SIDE ADJACENT TO STREET (ft)	REAR (ft)	LOT COVERAGE (%)	HEIGHT
POS	0	0	0	0	0	0	0	0
R-1	43560	150	50	15	50	35	15	40
R-2	15000	80	40	10	40	30	20	40
R-4	7500	50	30	7	30	30	25	40
R-6	5000	40	20	3	20	15	60	40
LC	10,000	50	10	0 (a)	10 (a)	25 (a)	85	50
RC	20,000	100	10	0 (a)	10 (a)	0 (a)	75	50
LI								
PO	100,000	50	40	15 (a)	40 (a)	30 (a)	70	50

a) If setback is adjacent to a residential district, then same as residential district.

3.4 – Use Regulations

The following uses shall be permitted in the applicable districts as indicated in the table of permitted uses, found at the end of this section (Table Name Reference).

- A. Permitted Uses. Except as provided below, uses which are marked by an "X" in the table shall be allowed with a zoning permit
- B. Conditional Uses. Uses which are marked by a "C" in the table shall be allowed with a conditional use permit.
- C. Uses Not Permitted. Uses not marked by either an "X" or "C" in the table are not permitted. Uses not permitted are prohibited.
- D. Uses not listed. In the event that a use is proposed that is not listed in the table, the Director of Community Development shall determine if the use is the same or similar to a use listed in the table. If it is, he or she shall treat the use in the same manner as the "similar" use. If not, he or she shall treat the use as not permitted.
- E. More Than One Use on a Lot. Where a single business entity proposes to or is engaged in more than one (1) principal use on a lot, or where two (2) or more uses are located on one (1) lot, each use must be a permitted use in the district in which it is located.

Use	POS	R-1	R-2	R-4	R-6	LC	RC	LI	PO
<i>Single-family Dwellings</i>									
Single-family detached		X	X	X	X				
Single-family attached			C	X	X				
<i>Multi-family Dwellings</i>									
Not more than 15 dwelling units				C	X				
More than 15 dwelling units					C				
Senior Housing			C	C	C				

Commented [JW10]: All uses in red indicate new/suggested use

Use	POS	R-1	R-2	R-4	R-6	LC	RC	LI	PO
Dwelling units located above ground floor as part of mixed use					C				
Group homes		X	X	X	X				
<i>Temporary Dwellings</i>									
Boarding Homes					C				
Bed & Breakfast					C				
Roominghouse					C				
Tourist home					C				
Domiciliary Homes and Institutions							C		
Childcare facilities				C	C	X	X		C
Family care homes				C	C	X	X		
Assisted living facility				C	C	X	X		
Nursing homes				C	C	X	X		
Hotels and Motels						X	X		
Hotel						X	X		
<i>Educational Uses</i>									
Nurseries or preschools		C	C	C	C	X	X		C
Schools (elementary, middle, high)		C	C	C	C	X	X		
Colleges and universities		C	C	C	C	X	X		
Vocational schools*		C	C	C	C	X	X		C
Vocational and trade schools		C	C	C	C	X	X		C
<i>Religious</i>									
Places of worship		C	C	C	C	X	X		C
Convents, monasteries and seminaries						C	C		C
Cemeteries and mausoleums*	X								
Crematorium						X	X		
Funeral homes (Personal Services)						X	X		
<i>Other Educational, Religious, Cultural</i>									
Library		C	C	C	C	X	X		
Museums and Cultural Institutions						X	X		
Emergency Services*		C	C	C	C	X	X		
Public Safety facility (police, fire, ambulance)		X	X	X	X	X	X		
Municipal Buildings		X	X	X	X	X	X		
Recreation Uses	X	C	C	C	C				
Health, athletic, recreation, and amusement facilities, indoor	X					X	X		
Parks, playgrounds, and skating rinks publicly owned and operated	X				C				
Swimming pools, athletic fields, and other recreational facilities, publicly owned and operated	X								
Lit Athletic Fields and Courts	X								
Unlit Athletic Fields and Courts	X	C	C	C	C				
Amphitheatre, Bandshell, and Outdoor Theaters	X								
Swimming Pools and Aquatic Centers (Indoor and Outdoor)	X					C	C		
<i>Private club, lodge, and recreation facilities</i>									
Golf-Related Uses	X								

Commented [JW11]: All uses in black indicate existing use, if use was permitted in one of the two original districts consolidated into new district, use marked as conditional

Use	POS	R-1	R-2	R-4	R-6	LC	RC	LI	PO
Miniature golf	X								
Golf driving range	X								
Golf course	X	C	C	C					
Equestrian Sport Facilities	X								
<i>General Office Uses</i>									
Banks, no drive-in						X	X		X
Banks, drive-in						C	X		
Drive-up Automatic tellers						C	X		
Post office*				C	C	X	X		
Other general offices						X	X		X
Professional Office Uses					C	X	X		X
Service oriented business office					C	X	X		C
Contractor's office						X	X		C
Home occupations		X	X	X	X				
<i>Medical Uses</i>									
Acute care center						X	X		X
Hospital						X	X	X	X
Medical or Dental Office						X	X		X
<i>Services</i>									
Hair, nail, tanning, and personal care services					C	X	X		C
Service and repair, clothing and small appliance						X	X		C
Dental and medical laboratory						X	X		C
Taxidermists						X	X		
Mail, copying, parcel, and printing services					C	X	X		C
Tattoo parlors						C	C		
All other personal service-oriented uses					C	C	C		
<i>Laundries</i>									
Launderettes (self-service dry cleaning)						X	C		
Dry cleaning processing on premises						C	C		
Dry cleaning/processing done elsewhere						X	C		
Commercial laundries							C		
<i>Animal Care Uses</i>									
Animal Hospitals						C	C		
Kennels and Pet Daycares						C	C		
Pet grooming						X	C		
<i>General Retail</i>									
Bakeries					C	X	X		
Candy and ice cream stores					C	X	X		
Grocery stores						X	X		
Liquor stores, package goods only						X	X		
Business and office equipment						X	X		
Clothing and costume rental						X	X		
Pet shops						X	X		
Greenhouses									
Lighting stores						X	X		
Open sales lots						C	C		
Plumbing, heating and air conditioning						C	C		
Sale of liquid fuels (stored underground)						X	X		

Use	POS	R-1	R-2	R-4	R-6	LC	RC	LI	PO
Secondhand stores and rummage shops						C	C		
Gun shops						C	C		
<i>Eating and Drinking Establishments</i>									
Sit down Restaurants						X	X		
Drive through Restaurants						X	X		
Taverns and brewpubs						C	X		
Delivery Only/Carry-Out Restaurants						X	X		C
Delicatessens					C	X	X		C
Outside dining; sidewalk cafes						C	C		
<i>Meeting facility or Banquet Hall</i>									
Banquet Hall						C	X		
<i>Motor Vehicle Uses</i>									
Gasoline service/sales						X	X		
Vehicle repair and service						X	X		
Car wash						X	X		
Vehicle sales and rental						C	X		
Vehicle storage						C	C		
<i>Wholesale, Distribution, and Storage Facilities</i>									
Wholesale sales							X		
Distribution center							X		
Garden supply and seed stores							X		
Nurseries							C	X	
Lumber yards								X	
Contractor supply houses							C	X	
Auction sales							C	C	
Nonhazardous inside storage								X	
Nonhazardous outside storage								X	
<i>Industrial Uses</i>									
Laboratories, medical and dental							X	X	X
Research laboratories							X	X	X
Light manufacturing								X	
Breweries and distilleries							C	X	
Mining and mineral extraction								X	
<i>Communications Antenna Uses</i>									
Radio, cellular and television towers (up to 35 ft)	C	C	C	C	C	C	C	C	C
Radio, cellular and television towers (above 35 ft)	C	C	C	C	C	C	C	C	C
<i>Major Utility Uses</i>									
Electric distribution, electric substation								X	
Gas regulator stations								X	
Microwave relay towers								X	
Sewage lift stations								X	
Static transformer stations								X	
Telephone exchanges								X	
Telephone transmission, equipment buildings								X	
Water system facilities								X	
Wastewater treatment plants								X	
Energy generating stations								X	

Use	POS	R-1	R-2	R-4	R-6	LC	RC	LI	PO
<i>Transportation Uses</i>									
Bus shelters and parking areas		C	C	C	C	X	X	X	X
Bus stations, bus garages, bus lots							X	X	
Taxi stands						X	X		X
<i>Agricultural Uses</i>									
Row crops only, no accessory retail sales	X	C	C						
Row crops only, accessory retail sales	X								
Silos	X								
Hatcheries or fish	X								
Equipment sales and repair							X	X	
<i>Accessory Uses</i>									
Accessory uses generally		X	X	X	X	X	X	X	X
Detached garage to a residential dwelling		C	C	C	C				
Parking in front of a residential dwelling unit					C				
Live entertainment with a commercial use						X	X		
Dwelling unit with a commercial use					C				
Solar energy system		C	C	C	C	C	C	X	C
Wind energy system						C	C	X	C
Home Occupation - Type A		C	C	C	C				
Home Occupation - Type B		C	C	C	C				
<i>Temporary Uses</i>									
For construction	C	C	C	C	C	C	C	C	C