

Section 1 - General

1.1 - Purpose and scope of Unified Development Ordinance.

1.1.1 - General: For the purpose of promoting health, safety, morals or the general welfare of the community, the City of Sunset Hills Unified Development Ordinance, in accordance with the Revised Statutes of Missouri, provides for the following:

- 1) To regulate and restrict the height, number of stories, and size of buildings and other structures;
- 2) To regulate and restrict the percentage of lot that may be occupied;
- 3) To regulate and restrict the size of yards, courts, and other open spaces;
- 4) To regulate and restrict the density of population;
- 5) To regulate and restrict the location and use of buildings, structures and land for trade, industry, residence, or other purpose; and
- 6) 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 Unified Development 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:

- 1) 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.
- 2) 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.
- 3) 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 1516, adopted November 12, 2002, 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 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:

- 1) 2.1.3, Building Code: (Chapter 7, City of Sunset Hills Code of Ordinances);
- 2) 2.1.4, Flood Damage Control: (Appendix E, City of Sunset Hills Code of Ordinances);
- 3) 2.1.5, Explosives Code: (Chapter 9.5, City of Sunset Hills Code of Ordinances); and
- 4) 2.1.6, Zoning Performance Standard Regulations: (Section 1003.163, subsection 3, Revised Ordinances of St. Louis County).

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:

- 1) POS: Parks and open space
- 2) R-1: Single family
- 3) R-2: Single family
- 4) R-3: Single family
- 5) R-4: Single family
- 6) R-5: Single family
- 7) R-6: Single family
- 8) LC: Local commercial
- 9) GC: General commercial
- 10) LI: Light industrial
- 11) PO: Professional office

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.

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:

- 1) Where district boundary lines are indicated as following streets, alleys, or similar rights-of-way, they shall be construed as following the centerlines thereof.
- 2) Where district boundary lines are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
- 3) 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 ($\frac{1}{2}$) of the area of the lot.

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 13 "Amendments".

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 defined in Section XX, Definitions, or 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."

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 days shall be added to the prescribed period.

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:

- 1) Section 4 – Development Standards
- 2) Section 5 – Use Provisions
- 3) Section 6 – Signs

3.2 – Zoning Districts

3.2.1 - 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.

3.2.2 - R-1 District. The purpose of the R-1 District is to protect and preserve areas of low-density, estate-type, residential development and to allow for the construction of new single family detached dwellings on lots of not less than one (1) acre in size.

3.2.3 - R-2 District. The purpose of the R-2 District is to protect and preserve areas of low-density residential development and to allow for the construction of new single family detached dwellings on lots of not less than twenty-thousand (20,000) square feet in size.

3.2.4 - R-3 District. The purpose of the R-3 District is to protect and preserve areas of medium to low-density residential development and to allow for the construction of new single family detached dwellings on lots of not less than fifteen thousand (15,000) square feet in size.

3.2.5 - R-4 District. The purpose of the R-4 District is to protect and preserve areas of medium-density residential development and to allow for the construction of new single family detached dwellings on lots of not less than ten thousand (10,000) square feet in size.

3.2.6 - R-5 District. The purpose of the R-5 District is to protect and preserve areas of medium to high-density residential development and to allow for the construction of new single family detached dwellings on lots of not less than seven thousand five hundred (7,500) square feet in size.

3.2.7 - R-6 District. The purpose of the R-6 District is to protect and preserve areas of high-density residential development and to allow for the construction of new single family detached dwellings on lots of not less than five thousand (5,000) square feet in size. Attached two-story single-family town homes or attached ranch style dwelling single-family units may be permitted on combined lots pursuant to an approved plan.

3.2.8 - 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.

3.2.9 - GC District. The intent and purpose of the General 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.

3.2.10 - 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.

3.2.11 - 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.

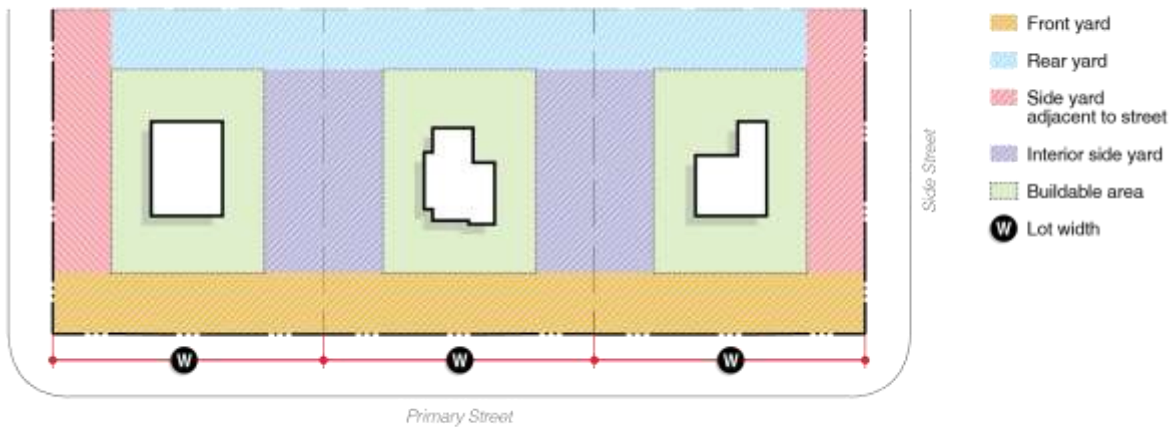
3.3 – Dimensional Standards

The following table addresses the dimensional (also known as bulk standards) applicable to the development or use of a lot in a given district.

DISTRICT	LOT AREA (sq/ft)	LOT WIDTH (ft)	FRONT SETBACK (ft)	INTERIOR SIDE SETBACK (ft)	SIDE SETBACK ADJACENT TO STREET (ft)	REAR SETBACK (ft)	PRIMARY USE COVERAGE (%)	IMPERVIOUS SURFACE COVERAGE (%)	TOTAL LOT COVERAGE (%)	HEIGHT (ft)
POS	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
R-1	43,560	150	50	15	50	35	15	5	20	40
R-2	20,000	80	40	10	40	30	20	5	25	40
R-3	15,000	80	40	10	40	30	20	5	25	40
R-4	10,000	60	30	10	30	30	25	5	30	40
R-5	7,500	50	30	7	30	30	25	5	30	40
R-6	5,000	40	20	3	20	15	60	5	65	40
LC	10,000	50	10	0 (a)	10 (a)	25 (a)	n/a	n/a	85	50
GC	20,000	100	10	0 (a)	10 (a)	0 (a)	n/a	n/a	80	75
LI	40,000	200	10	0 (a)	10 (a)	0 (a)	n/a	n/a	80	50
PO	100,000	50	40	15 (a)	40 (a)	30 (a)	65	10	70	50

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

Dimensional Standards 3.3



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).

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- 1) **Permitted Uses.** Except as provided below, uses which are marked by a "P" in the table shall be allowed with a zoning permit.
- 2) **Conditional Uses.** Uses which are marked by a "C" in the table shall be allowed with a conditional use permit.
- 3) **Planned Development Only Uses.** Uses which are marked by a "PD" in the table shall only be permitted in planned developments.
- 4) **Uses Not Permitted.** Uses not marked by either an "X" or "C" in the table are not permitted. Uses not permitted are prohibited.
- 5) **Uses not listed.** In the event that a use is proposed that is not listed in the table, the City Administrator or her/his designee 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. If the applicant is not satisfied with the determination, they may appeal to the Planning & Zoning Commission.
- 6) **More Than One Use on a Lot.** Where a single business entity proposes to or is engaged in more than one principal use on a lot, or where two or more uses are located on one lot, each use must be a permitted use in the district in which it is located.

Use	POS	R-1	R-2	R-3	R-4	R-5	R-6	LC	GC	LI	PO	Use Specific Standards
<i>Single-family Dwellings</i>												
Single-family detached		P	P	P	P	P	P					
Single-family attached			PD	PD	PD	PD	PD					
<i>Multi-family Dwellings</i>												
Multifamily Dwelling			PD	PD	PD	PD	PD					
Senior Housing		PD	PD	PD	PD	PD	PD					
Dwelling units located above ground floor as part of mixed use		PD	PD	PD	PD	PD	PD					
Group homes		P	P	P	P	P	P					
<i>Temporary Dwellings</i>												
Boarding Homes												
Roominghouse												
Tourist home												
Domiciliary Homes and Institutions												
Childcare facilities								P	P		C	
Family care homes												
Assisted living facility				PD	PD	PD	PD	PD	PD			
Nursing homes				PD	PD	PD	PD	PD	PD			
<i>Hotels and Motels</i>												
Hotel								C	C			5.6
<i>Educational Uses</i>												
Nurseries or preschools		C	C	C	C	C	C	P	P		C	

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Use	POS	R-1	R-2	R-3	R-4	R-5	R-6	LC	GC	LI	PO	Use Specific Standards
Schools (elementary, middle, high)		C	C	C	C	C	C					5.4
Colleges and universities		C	C	C	C	C	C			C	C	
Vocational and trade schools		C	C	C	C	C	C			C	C	
Religious												
Places of worship		C	C	C	C	C	C	P	P		C	
Convents, monasteries, and seminaries								C	C		C	
Cemeteries and mausoleums*	P	C	C	C	C	C	C					5.3
Crematorium												
Funeral homes (Personal Services)								P	P			
Other Educational, Religious, Cultural												
Library		C	C	C	C	C	C	P	P			5.7
Museums and Cultural Institutions								P	P			
Emergency Services		C	C	C	C	C	C	P	P			
Public Safety facility (police, fire, ambulance)						C	C	P	P	P	<u>P</u>	
Municipal Buildings		P	P	P	P	P	P	P	P	P		
Recreation Uses	P	C	C	C	C	C	C			P		
Health, athletic, recreation, and amusement facilities, indoor	P							P	P			
Parks, playgrounds, and skating rinks publicly owned and operated	P	C	C	C	C	C	C					
Swimming pools, athletic fields, and other recreational facilities, publicly owned and operated	P	C	C	C	C	C	C					
Amphitheatre, Bandshell, and Outdoor Theaters	P											
Swimming Pools and Aquatic Centers (Indoor and Outdoor)	P							C	C			
Private club, lodge, and recreation facilities												
Private Club	P	C	C	C	C	C	C					
Marina	C	C	C	C	C	C	C					
General Office Uses												
Banks, no drive-in								P	P		P	
Banks, drive-in								C	C	C	P	5.8
Drive-up Automatic tellers								C	C	C	P	5.8
Pay-day loan												
Post office*								P	P			
Other general offices								P	P		P	
Professional Office Uses								P	P		P	
Service oriented business office								P	P		C	
Contractor's office								P	P		C	
Home occupations		P	P	P	P	P	P					
Medical Uses												

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Use	POS	R-1	R-2	R-3	R-4	R-5	R-6	LC	GC	LI	PO	Use Specific Standards
Acute care center								P	P		P	
Hospital								P	P	P	P	5.5
Medical or Dental Office								P	P		P	
Pharmacy								P	P	P	C	
<i>Services</i>												
Hair, nail, tanning, and personal care services								P	P		C	
Service and repair, clothing, and small appliance								P	P		C	
Mail, copying, parcel, and printing services								P	P		C	
Tattoo parlors								-	-	P		
All other personal service oriented uses								C	C			
<i>Laundries</i>												
Launderettes (self-service dry cleaning)								P				
Dry cleaning processing on premises								C	C			
Dry cleaning/processing done elsewhere								P				
Commercial laundries									C			
<i>Animal Care Uses</i>												
Animal Hospitals								C	C			
Kennels and Pet Daycares								C	C	C		
Pet grooming								P	P			
<i>General Retail</i>												
Retail Sales, General								P	P			
Retail Sales, Outdoor								C	C			
Bakeries								P	P			
Candy and ice cream stores								P	P			
Convenience store								C	C			
Grocery stores								P	P			
Liquor stores, package goods only								P	P			
Pawn shop										C		
Clothing and costume rental								P	P			
Pet shops								P	P			
Greenhouses	C							P	P	C		
Open sales lots								C	C			
Plumbing, heating, and air conditioning								C	C	P		
Sale of liquid fuels (stored underground)								C		P		
Secondhand stores and consignment shops								P	P			
Gun shops								C	C			
Adult Uses										C		
<i>Eating and Drinking Establishments</i>												

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Use	POS	R-1	R-2	R-3	R-4	R-5	R-6	LC	GC	LI	PO	Use Specific Standards
Coffee/Tea Shop								C	C		C	
Sit down Restaurants								C	C		C	
Drive through Restaurants								C	C			5.8
Taverns and brewpubs								C	C			
Delivery Only/Carry-Out Restaurants								C	C		C	
Delicatessens								C	C		C	
Outside dining; sidewalk cafes								C	C		C	
Meeting Facility or Banquet Hall												
Banquet Hall	C							C	P			
Motor Vehicle Oriented Businesses Uses												
Gasoline service/sales								C	C			5.8
Vehicle repair and service								C	C	C		5.8
Car wash								C	C			5.2 and 5.8
Vehicle sales and rental								C	C	C		5.8
Vehicle storage								C	C	C		5.8
Wholesale, Distribution, and Storage Facilities												
Wholesale sales									P	P		
Distribution center									P	P		
Garden supply and seed stores									P	P		
Nurseries									C	P		
Lumber yards										P		
Contractor supply houses									C	P		
Auction sales									C	C		
Nonhazardous inside storage										P		
Nonhazardous outside storage										C		
Industrial Uses												
Laboratories, medical and dental									P	P	P	
Research laboratories									P	P	P	
Light manufacturing										P		
Breweries and distilleries								C	C	P		
Mining and mineral extraction										P		
Medical Marijuana Uses												
Medical Marijuana Cultivation Facility										P		5.11
Medical Marijuana Testing Facility										P		5.11
Medical Marijuana-Infused Products Manufacturing Facility										P		5.11
Medical Marijuana Dispensary Facility										P		5.11
Communications Antenna Uses												
Radio, cellular and television towers (up to 35 ft)	C	C	C	C	C	C	C	C	C	C	C	

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Use	POS	R-1	R-2	R-3	R-4	R-5	R-6	LC	GC	LI	PO	Use Specific Standards
Radio, cellular and television towers (above 35 ft)	C	C	C	C	C	C	C	C	C	C	C	
<i>Major Utility Uses</i>												
Electric distribution, electric substation	C	C	C	C	C	C	C	C	C	P	C	
Gas regulator stations	C	C	C	C	C	C	C	C	C	P	C	
Microwave relay towers	C	C	C	C	C	C	C	C	C	P	C	
Sewage lift stations	C	C	C	C	C	C	C	C	C	P	C	
Static transformer stations	C	C	C	C	C	C	C	C	C	P	C	
Telephone exchanges	C	C	C	C	C	C	C	C	C	P	C	
Telephone transmission, equipment buildings	C	C	C	C	C	C	C	C	C	P	C	
Water system facilities	C	C	C	C	C	C	C	C	C	P	C	
Wastewater treatment plants	C		C	C	C	C	C	C	C	P	C	
Energy generating stations	C	C	C	C	C	C	C	C	C	P	C	
<i>Transportation Uses</i>												
Bus shelters and parking areas		C	C	C	C	C	C	C	C	P	P	
Bus stations, bus garages, bus lots								C	C	P	C	
Taxi stands								C	C		P	
Towing										C		
<i>Agricultural Uses</i>												
Row crops only, no accessory retail sales	P	C	C									
Row crops only, accessory retail sales	P											
Silos	P											
Hatcheries or fish	P											
Equipment sales and repair									P	P		
<i>Temporary Uses</i>												
Temporary uses related to construction	C	C	C	C	C	C	C	C	C	C	C	
Temporary Portable Outdoor Storage Unit		P	P	P	P							5.9