



city of CREVE COEUR

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NOTICE OF PUBLIC HEARING

APPLICATION TO PLANNING AND ZONING COMMISSION #17-027 TEXT AMENDMENTS TO VARIOUS SECTION OF THE CITY'S ZONING ORDINANCE REGARDING RESIDENTIAL DEVELOPMENT

FOR THE MEETING OF: Monday, September 18, 2017 at 6:30 P.M.

LOCATION: Residential Districts

REQUEST: Jason Jaggi, the Director of Community Development, on behalf of the City of Creve Coeur, has submitted for a text amendment to revise various section of the Zoning Ordinance that would affect residential development that include but is not limited to, providing clarification on allowable encroachments within a front yard setback, providing greater definition for yards as they relate to overall lot dimensions for corner lots, and establishing requirements for sports courts. Also under consideration are revising the site coverage allowances for permeable pavers or concrete, and measuring building height based upon existing grade versus proposed grade.

ADDITIONAL INFORMATION: The Planning and Zoning Commission will conduct a Public Hearing on this request on Monday, September 18, 2017 for recommendation to the City Council. Meetings are held at 6:30 P.M., in the Council Chambers of the Creve Coeur Government Center located at 300 North New Ballas Road. Additional information is available at the Government Center, Planning Division offices, and on the City's website at www.creve-coeur.org under the Planning Projects page.

We encourage you to attend if you have any questions or wish to make a statement. In addition, you may submit written comments in advance of the meeting. If you wish to provide comments via email, please send them to wkelly@crevecoeurmo.gov. For information about this proposal or to verify the meeting schedule, please call (314)872-2501.

APPLICANT: Jason Jaggi
Director of Community Development
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63141

Key Issues:

- Are the changes consistent with the purposes of the Zoning Code
- Are the changes consistent with the purposes of the Comprehensive Plan

Creve Coeur 2030 Comp. Plan References

- Residential Development & Preservation

Zoning Code References

- Section 405.120 Definition Of Terms
- Section 405.230 Establishment Of Size, Dimension And Access Criteria
- Section 405.460 Accessory Uses And Structures.
- Section 405.630 Yard Encroachments
- Section 405.640 Fences
- Section 405.690 Utilities
- Section 405.810(A)(2) Parking surface and drainage

STAFF CONTACT: Whitney Kelly, AICP, City Planner



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MEMO TO THE PLANNING AND ZONING COMMISSION

Date: July 14, 2017

Subject: **Work Agenda Item: Proposed Changes on Certain Regulations within Residential Zoning Districts**

Prepared by: Whitney Kelly, AICP, City Planner

Staff has identified several areas within the residential zoning district regulations that require review for possible changes. The issues with these current regulations were discussed during the Comprehensive Plan Update process, have been mentioned previously by the Commission, or have been matters that have been discussed by the Board of Adjustment relative to variance applications.

The purpose of this memorandum is to provide a summary of the current regulations, issues and suggestions for revisions for the Planning and Zoning Commission to discuss prior to coming forward with a formal text amendment application and conducting a public hearing.

Building Height

As discussed during the Comprehensive Plan process, current regulations define building height from the proposed finished grade. This has allowed the re-grading of the property to increase the height along the front elevation, thus creating runoff issues on adjacent properties and has contributed to the compatibility concerns with the appearance of new homes within established neighborhoods.

Currently, the maximum height allowed for single family dwellings in residential zoning districts is 35-foot or 2 ½ stories whichever is less. For sloped roofs, the height is measured taking the mean distance between the eaves and ridge of the roof, not to the top of the roof.

Recommendation

Staff would like to establish the building height from the average existing grade prior to any construction for new homes and additions. Taking into account existing grades when setting the height of new buildings would result in less dramatic differences in new construction compared to adjacent structures and could contribute to less run-off concerns based on incompatible re-grading.

Use of Permeable Pavers for Site Coverage Calculation Purposes

As discussed during the Comprehensive Plan process, permeable pavers are a method that homeowners use to exceed the site coverage limitations of the residential zoning districts. The zoning ordinance specifically exempts the use of these pavers from counting against the site coverage. However, in order to be truly permeable, these paver systems require engineered substrate and long-term maintenance to ensure proper function. Furthermore, visually, these paver systems appear as hardscape on residential properties which seem counter to the objectives for greenspace preservation.

The City of Town and Country recently adopted legislation that limits the use of permeable pavers to be counted as green space. Surfaces shall be included as green space when not under a roof, including landscape beds containing no greater than twenty percent (20%) hardscape such as retaining walls or flagstones; and surfaces shall be excluded as green space including permeable pavements which have less than eighty percent (80%) of the surface area exposed for vegetative growth. However, such pavers are not often seen in the City of Creve Coeur as an alternative for driveways.

Recommendation

Staff would like to limit the amount of permeable pavers allowed as an option to go over site coverage by a certain percentage, or to allow them to count as only a portion of the actual surface area, such as 50%.

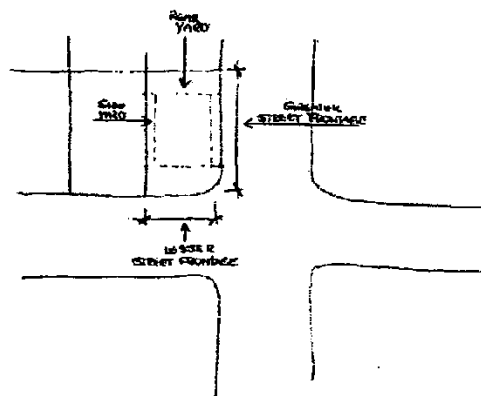
Definition of Yards

Staff currently reviews the existing established development patterns of corner lots, to determine the rear-yard and side-yard regulations. In some cases the narrower area may be considered the rear yard due to the orientation of the home, as shown in the aerial view of 6 Ladue Meadows below:



Staff would like to provide clarity on defining such yards based upon dimensions of the lot, rather than upon a case-by-case basis of the surrounding development and orientation of the home. Where a corner lot has two front yards, the property line to the longer front yard with the greater street frontage shall be considered the side yard and the property line opposite to the front yard line with the lesser street frontage would be considered the rear yard.

Similar considerations are provided in the City of Clayton that states where a corner lot exists and thereby two (2) front yards, the property line opposite to the front yard line with the greater street frontage shall be considered the side yard and the property line opposite to the front yard line with the lesser street frontage shall be considered the rear yard.



The City of Webster Groves defines yard areas on corner lots in a similar fashion by stating that the rear yard shall be considered as parallel to the street upon which the lots has its least dimension. In all cases, the rear yard shall be opposite at the opposite end of the lot from the front yard.

Recommendation

Staff would like to amend the code in a similar manner as the cities of Clayton and Webster Groves to address yard areas on corner lots in a consistent fashion, regardless of orientation of the home.

Walls, Fences, Columns and Gates, and other Yard Regulations

Due to recent discussions regarding fences and walls within the front yard setback, Staff would like to include direction within the Code without the need to go to the Planning and Zoning Commission.

Columns and Gates

As discussed in prior applications before the Commission, the Zoning Code allows for ornamental entry columns and gates, but any fence or wall within the front setback must be reviewed by the Planning and Zoning Commission. In the recent discussion of the proposed entry wing walls at Lakeshore drive, the placement of such in the front setback as a free standing element was inconsistent with the Design Guidelines. However, Staff finds that such ornamental columns and gates on their own also lack context as freestanding elements, when not reviewed along with any fence or wall, and inconsistent with the Design Guidelines, and the purposes of the yard regulations. Therefore, Staff would like to consider eliminating these as a general allowance without review by the Planning and Zoning Commission. They should be considered in conjunction with a fence within the front yard setback.

Wing Walls, as an Extension of the Home

In the proposal of courtyard fences and wing walls within the Bellerive Enclave Subdivision in 2015, the Planning and Zoning Commission allowed for these elements to encroach within the front yard setback for the entire subdivision when as an extension of the home based upon certain design criteria. The courtyard fence/wall allowed was to have a maximum height of 4 feet, include a with mix of masonry and wrought iron or open-slatted fence, was to be consistent with design style of the related home, and could to seven feet into the front yard setback, per the images below, as this was in better keeping with the Design Guidelines, and the overall character of the subdivision.

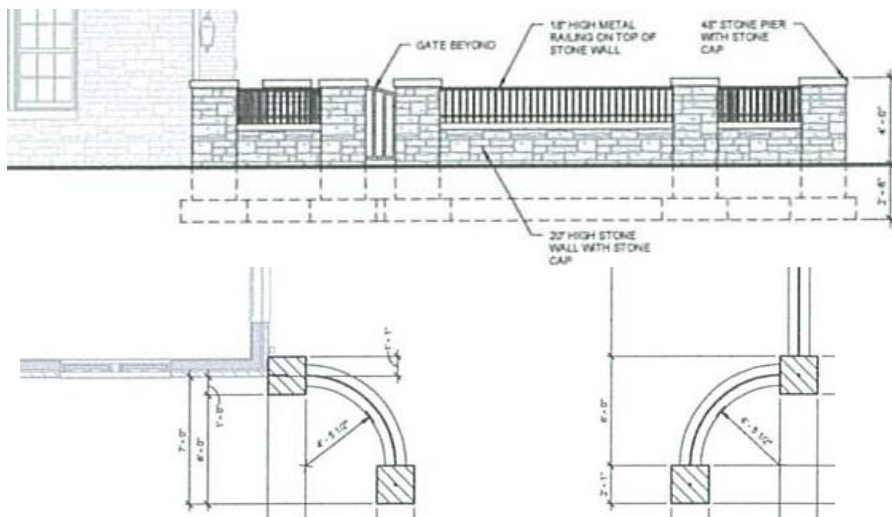


Figure 3: Detail of the Drive Court Plan

Recommendation

Staff would like to include the allowance of such wing walls to encroach within the front-yard setback without needing the Planning and Zoning Commission approval, provided it meets with similar conditions, and would project only a short distance into the setback of five feet to be consistent with other areas in the Yard Regulations that allow for unenclosed, and unroofed front porches and structural overhangs to project up to five feet into a front yard setback.

Design Criteria Consideration of Fences:

Staff would also like to discuss providing for additional design consideration for fences in general. When fencing is reviewed at the Planning and Zoning Commission discussion includes the use of green materials, and the amount of openness of the design of the fence. The Design Guidelines further strongly recommend against approving any chain link fences. However the use of such is not reviewed if the placement of the fence does not require Planning and Zoning Commission approval for residential properties.

Recommendation

Staff would like the Commission’s direction whether the use of chain link or white vinyl should be prohibited on all residential properties, and to allow for open slatted fences (similar to that allowed as a pool barrier) the a maximum height of 4 feet to encroach into a side or rear yard for corner lots that must maintain an equivalent area as a front yard, without the need for the Planning and Zoning Commission. The standards for a pool barrier fences allows for such to be 15 feet from any lot line, and a similar standard was approved for the home at 12700 Creekside View Drive:

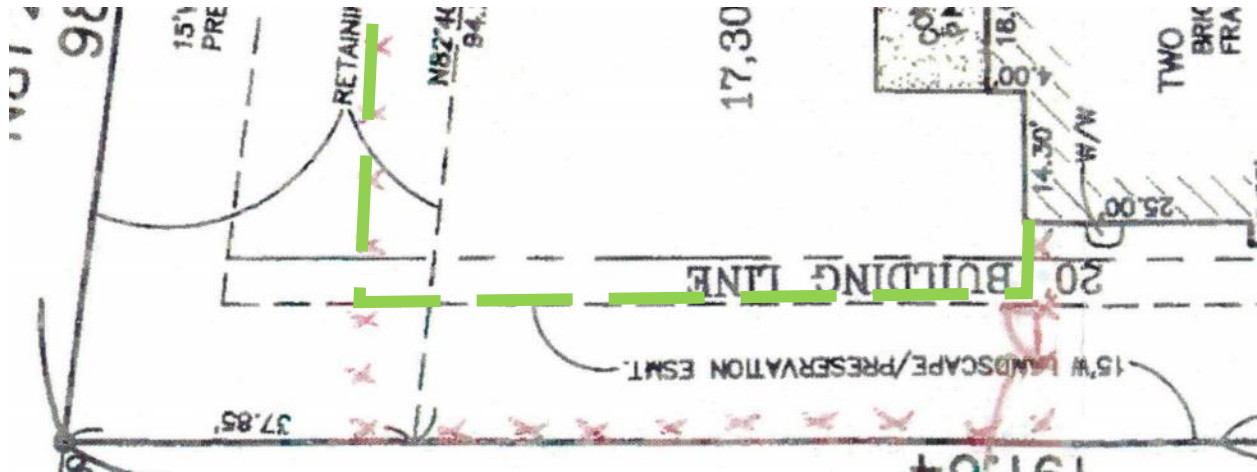


Figure 1: Close-up of the Site Plan with Staff's Recommended 15 foot setback highlighted in green.

Sports Courts

Current regulations require tennis courts and the associated fence to be approved by the Planning and Zoning Commission, and that Private Recreation Facilities must be surrounded by a fence. As many homes are now seeking multi-sports facilities, Staff has included such within the same category as tennis courts, due to the concerns of noise and lighting as well as the character of the type of fencing needed to control balls. And in some cases, the property owner did not wish to include a fence around the facility.

Recommendation

Staff would like to clarify these regulations to provide a definition of sports courts within the code as an allowable structure and while a fence is required for a pool, and tennis courts, allowing for distinction for basketballs, hockey and other sports courts.

Attachment: Memo on Residential Zoning Changes (2546 : Residential Zoning Text Amendment)

Covered Front Porches

As mentioned above, Section 405.630 (8) Yard Regulations provides that an unroofed porch, steps or paved terrace area may project into the front yard for a distance not to exceed five (5) feet provided such porch or terrace is not more than twelve (12) feet in width. For pre-existing homes, many homeowners wish to provide cover over the front door as protection of the elements and to create an inviting entrance. The Board of Adjustment has always approved such allowances for a covered front porch, as most people wish to have protection from the weather, where the existing home would not support the structural load of projecting a roof overhang, and tearing down and moving the house back would be unfeasible.

Recommendation

Staff would like to allow for roofed front porches to project up to five feet into the front yard setback to avoid the repetitious requests for variances.

Residential Parking:

Section 405.120, Section 405.660 Parking or Storage of Vehicles, and 405.820(A)(6) Required Off-Street Parking of The Zoning Code specifies that all off-street parking shall be a permanently surfaced area, and that parking shall only be on an improved paved area. However, Section 405.810(A)(2) Parking Surface and Drainage of the Off-Street Parking Regulations contradicts that the surface must be paved, by exempting one and two family residential parking. Staff has received requests regarding the use of gravel for driveways, which has been denied based on the prior requirements above.

Recommendation

Staff would like to clarify all sections of the Zoning Ordinance to require improved surfaces for required off-street parking spaces such as concrete, asphalt or pavers.

Technical Clarification of Non-Conforming Lots

Staff will also seek an amendment to clarify inconsistency in the regulations regarding non-conforming lots. Currently Section 405.230 Establishment of Size, Dimension and Access Criteria provides that for pre-existing vacant lots a side yard may be reduced to 7½ feet, where Section 405.610 Non-Conformities expressly prohibits extension, expansion, enlargement, or increased intensity of existing non-conforming structures within a setback.

Recommendation

Staff would like to clarify this language clarifying these sections, by consolidating into one provision regarding non-conformities.

Conclusion

Staff will review these items at the meeting obtain direction from the Commission on these proposed changes and any others that would involve residential zoning regulations prior to submitting a text amendment application and obtaining public comment.