

BILL 10691

ORDINANCE 10535

AN ORDINANCE AMENDING THE PROVISIONS OF THE MUNICIPAL CODE, APPENDIX A – ZONING, REGARDING A NEW REQUIREMENT FOR FRONTAGE OCCUPATION IN THE B-1, B-2, B-4, B-5, AND I-1 BUSINESS/COMMERCIAL/INDUSTRIAL DISTRICTS AND INCLUDING SAID NEW REQUIREMENT TO THE LIST OF MODIFIABLE REQUIREMENTS IN SECTION A-220.2.

WHEREAS, the City's Downtown Master Plan and Parking Study identified the need to evaluate multiple amendments to the Zoning Code as they pertain to regulations that affect the development patterns in Downtown Kirkwood; and

WHEREAS, on the 9<sup>th</sup> day of August, 2018, the Planning and Zoning Commission assigned a subcommittee (PZ-9-19); and

WHEREAS, on the 3<sup>rd</sup> day of October, 2018, the Planning and Zoning Commission discussed and recommended approval of amendments to the Zoning Code to include a new requirement for frontage occupation in the B-1, B-2, B-4, B-5, and I-1 Districts located within the Downtown Master Plan Study Area; and

WHEREAS, on the 1<sup>st</sup> day of November, 2018, the City Council did hold a public hearing with respect to such amendments to the Zoning Code after duly advertising and giving proper notice of such hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KIRKWOOD, MISSOURI, AS FOLLOWS:

SECTION 1. That the City of Kirkwood Municipal Code of Ordinances, Appendix A – Zoning, is hereby amended by deleting the first paragraph of Section A-220.2 in its entirety and replacing with the following language:

Objectives. The City may, upon proper application, take the following actions on an application for site plan review: approve, deny, or approve with modifications to zoning requirements and/or additional conditions and restrictions as described herein. Modifications from existing zoning requirements may be considered by the Planning and Zoning Commission and the City Council in relation to property line setback(s) [except for the setback line(s) directly adjacent to properties zoned residentially], street frontage occupation, lot size, height, density, landscape requirements, and parking requirements designed for conventional development. If the developer can demonstrate that one or more of the numbered objectives listed below can be realized at a higher level with modification of certain zoning requirements than could be achieved if all zoning requirements were to be upheld, the City may grant a modification to one or more of the zoning requirements listed above. Final determination of whether the proposed design warrants modification from existing zoning requirements is at the sole discretion of the City Council.

SECTION 2. That the City of Kirkwood Municipal Code of Ordinances, Appendix A –

Zoning, is hereby amended by inserting the following language as new sections Section A-500.7, 510.8, 530.8, 540.7, and 600.7 and renumbering all subsequent sections as needed:

**Street Frontage Occupation.** When calculating the percentage of the street frontage occupied by a structure, any portion of the structure that is in compliance with the maximum front yard area requirement shall be included. If the requirements below do not allow for a driving lane to access a portion of the subject property behind the structure, the minimum frontage occupations requirement shall be adjusted as follows: properties that have frontage on only one street and/or public alleyway shall be permitted a 22' wide driving lane; properties that have frontage on two or more streets and/or public alleyways shall be permitted a 12.5' wide (20' wide if designated for access by the Fire Department) driving lane on two frontages to allow a dedicated one-way entrance and dedicated one-way exit; properties that have frontage on two or more streets and/or public alleyways, but that include access on at least one alleyway, shall be permitted a 22' wide driving lane on one alleyway in lieu of vehicular access on any other public street or alleyway.

(1) When located within the study area of the 2018 Downtown Master Plan & Parking Study and located on a Phase 1 street, as identified in the Thoroughfare Hierarchy Map located in said plan, a minimum frontage occupation requirement of 90 percent shall be provided.

(2) When located within the study area of the 2018 Downtown Master Plan & Parking Study and located on a Phase 2 street, as identified in the Thoroughfare Hierarchy Map located in said plan, a minimum frontage occupation requirement of 75 percent shall be provided.

(3) When located outside of the study area of the 2018 Downtown Master Plan & Parking Study, no frontage occupation requirement shall apply.

SECTION 3. This ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS 6<sup>TH</sup> DAY OF DECEMBER 2018.

  
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Mayor, City of Kirtland

ATTEST:

  
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City Clerk

Public Hearing: November 1, 2018

1<sup>ST</sup> Reading: November 15, 2018

2<sup>ND</sup> Reading: December 6, 2018