



**AGENDA
FOR THE CITY OF OLIVETTE
PLANNING AND COMMUNITY DESIGN
COMMISSION
MEETING OF NOVEMBER 3, 2016
AT 7:00 P.M.
IN THE OLIVETTE CITY COUNCIL
CHAMBERS
AT CITY HALL GOVERNMENT CENTER
LOCATED AT 9473 OLIVE BOULEVARD**

1. Roll Call

2. Election Of Officers

In accordance with Section 125.060 of the Olivette Municipal Code, the Commission shall elect from among its own members a Chair, a Vice Chair and a Secretary who shall each serve for a one (1) year term and may be re-elected.

3. Old Business

A. Text Amendment: Chapter 440 Communication Towers

Ordinance to amend Chapter 440 Communication Towers to authorize the placement of antennas in all zoning districts. Attachments include the current Ch 440, a draft of the proposed revisions to Ch 440, and Ordinance 2591 which adopted a new Rights-of-way Usage Code.

Documents:

[CURRENT CHAPTER 440 COMMUNICATION TOWERS.PDF](#)
[TA CH 440 COMMUNICATION FACILITIES 2016 10-27.PDF](#)
[ORD 2591 TA CH 520 ROW USAGE CODE.PDF](#)

4. Discussion Items

A. Olivette Residential And Redevelopment Guidelines

The Olivette Residential and Redevelopment Design Guidelines were adopted by the City Council in 2006, under Ordinance 2329. The Commission is seeking to update the Guidelines and forward to the City Council for consideration and adoption. Attached are the current Guidelines as adopted by the City Council, and draft revisions for consideration.

Documents:

[OLIVETTE RESIDENTIAL DESIGN GUIDELINES-FINAL.PDF](#)
[OLIVETTE RESIDENTIAL DESIGN GUIDELINES 2015 08-20 JR.PDF](#)

B. Review Procedures

The Commission drafting revisions to the various review procedures under Title IV Land Use Code, including Community Design Review, Site Plan Review, and Concept Stormwater Management Plan Review.

Documents:

[REVIEW PROCEDURES 2016 09-08 EDITED.PDF](#)

C. Stormwater Management

Staff is preparing revisions to Chapter 422 Stormwater Management for Commission consideration.

5. Reports

Under this agenda item, the Planning and Community Design Commission is provided updates by:

- Director of Planning and Community Development regarding planning and development activity; and
- City Council Liaison regarding City Council and city wide activities.

6. Other Business

A. Meeting Minutes

7. Adjournment

AGENDA ITEMS WILL NOT NECESSARILY BE DISCUSSED IN ORDER. IF YOU HAVE ANY QUESTIONS, PLEASE CALL CITY HALL AT (314) 993-0444.

THE NEXT SCHEDULED MEETING IS NOVEMBER 17, 2016

The City of Olivette hereby advises the public, employees and qualified job applicants that they are afforded an equal opportunity to participate in the programs and service of the City regardless of race, color, religion, veteran status, national origin, sex, age, sexual orientation, the existence of a physical or mental disability, or any other classification protected by law. If you are a person with a disability and have special needs, please call Barbara Sondag, City Manager at 314.993.0444 as soon as possible but no later than one day prior to the event or call 314.993.3610 VOICE TDD, 1.800.735.2466 RELAY MISSOURI. Thank you..

Posted this 28th day of October, 2016 at 3:15 PM.

Myra G. Bennett

Myra G. Bennett, CMC/MPCC
City Clerk
City of Olivette

Chapter 440. Communications Towers

Section 440.010. Definitions.

As used in this Chapter, the following terms shall have the meaning and usages indicated:

ANTENNA. Any device that transmits and/or receives electromagnetic signals for voice, data or video communications purposes including, but not limited to, television, AM/FM radio, microwave, cellular telephone and similar forms of communications. The term shall exclude satellite earth station antennas less than six (6) feet in diameter used only for home television reception.

CABINET. A structure for the protection and security of communications equipment associated with one (1) or more antennas where direct access to equipment is provided from the exterior and the horizontal dimensions of which do not exceed four (4) feet by six (6) feet.

COMMUNICATIONS TOWER. A structure designed for the support of one (1) or more antennas and including guyed towers, self-supporting lattice towers or monopoles and any related equipment cabinet or shelter. The term shall not include any support structure under fifty (50) feet in height owned and operated by an amateur radio operator licensed by the Federal Communications Commission.

COMMUNICATIONS TOWER SITE. The property upon which is located antennas, communications towers, cabinets, shelters, all required security fencing, screening, parking and all other facilities as may be required in the operation thereof or as may be required hereunder.

HEIGHT. The vertical distance measured from the base of the structure at ground level to its highest point and including the main structure and all attachments thereto.

SHELTER. A building for the protection and security of communications equipment associated with one (1) or more antennas and where access to equipment is gained from the interior of said building. Human occupancy for office or other uses or the storage of other materials and equipment not in direct support of the connected antennas is prohibited.

Section 440.020. General Requirements.

- A. The requirements set forth in this Chapter shall be applicable to all communications towers built or modified or antennas installed or relocated after July 22, 1997 and owned by a private entity or agency of local government.
 1. **Location.** Antenna and communications towers shall not be situated in any residential area. For the purposes hereof, a "residential area" shall mean the area consisting of those districts which are zoned under the City's zoning ordinance as "SR" Single-Family Residential District, "AR" Attached Single-Family Residential District and "PRO" Planned Residential Office District or successor zoning classifications. Communications towers shall not be situated in any commercial area. Antenna may be located on existing buildings in a commercial area. For the purposes hereof, a "commercial area" shall mean the area consisting of the district which is zoned under the City zoning ordinance as "COR" Commercial, Office, Retail District or successor zoning classifications. Antenna and communications towers less than one hundred (100) feet in height may be located in any industrial area. For the purposes hereof, an "industrial area" shall mean the area consisting of those districts which are zoned under the City zoning ordinance as "LID" Light Industrial District and "PA" Public Activity District. No antenna or communications tower shall be located within an area two hundred (200) feet from any residential area, provided that an antenna may be located on the rooftop of a commercial building or structure over eighty-five (85) feet in height notwithstanding location of such antenna with respect to residential areas. Such commercial rooftop antenna shall not extend more than twenty (20) feet in height above the main roof level of the commercial building or structure. All antennas and communications towers shall be set back from all property lines a distance equal to the height of said antenna or communications tower measured, as applicable, from the grade of the installation or from the lowest point of the placement on an existing building or structure.

Antenna and communications towers should be located in consideration of the following criteria:

- a. Antenna and communications towers should be located on existing structures, such as buildings, communication towers, water towers, smokestacks, to the extent feasible.
 - b. Antenna and communications towers should be located in locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.
 - c. Antennas and communications towers should be located to minimize the visual impact on residential areas and any adverse effect on residential property values.
 - d. Antennas and communications towers should be located to avoid a dominant silhouette on ridge lines and preservation of view corridors of surrounding residential areas.
 - e. The antenna and communications tower must be architecturally and visually (color, bulk, size) compatible with surrounding existing buildings, structures, vegetation and/or uses in the area or those likely to exist.
 - f. Co-utilization of communications towers and communications tower sites by the various telecommunications services providers shall be required to the maximum extent technically feasible.
 - g. Communications towers shall not be located in a manner which results in the concentration of multiple towers in one (1) location.
2. Regulatory compliance. All antennas and communications towers shall meet or exceed current standards and regulations of the Federal Aviation Administration ("FAA"), FCC and any other State or Federal agency with the authority to regulate communications antennas and communications towers. Should such standards or regulations be amended, then the owner shall bring such devices and structures into compliance with the revised standards or regulations within six (6) months of the effective date of the revision unless an earlier date is mandated by the controlling agency.
 3. Security. All antennas and communications towers shall be protected from unauthorized access by a security fence and any other appropriate security devices. A description of proposed security measures shall be provided as part of any application to install, build or modify an antenna or communications tower. No barbed wire will be used on security fences.
 4. Lighting. Antennas and communications towers shall not be lighted unless required by the FAA, a State or Federal agency with authority to regulate or the City of Olivette, in which case a description of the required lighting scheme shall be made a part of the application to install, build or modify the antenna or communications tower.
 5. Advertising. The placement of signs on structures regulated by this Section is prohibited.
 6. Design.
 - a. Towers shall maintain a galvanized steel finish or, subject to the requirements of the FAA or any applicable State or Federal agency, be painted a neutral color consistent with the natural or built environment of the site.
 - b. Equipment shelters or cabinets shall have an exterior finish compatible with the natural or built environment of the communications tower site and may also be brick or other masonry material as required by the Planning and Community Design Commission.
 - c. Antennas attached to a building or communications tower shall be painted a color identical to, or compatible with, the surface to which they are mounted.
 - d. All towers shall be surrounded by a landscape strip of not less than ten (10) feet in width and planted with materials which will provide a visual barrier of a minimum height of six (6) feet. Evergreen trees should be at least six (6) feet tall and deciduous trees at least two and one-half (2½) inch in caliper at the time of planting. Said landscape strip shall be exterior to the security fencing. In lieu of the required landscape strip, a minimum six (6) foot high decorative security fence or wall may be approved by the Planning and Community Design Commission upon demonstration by the applicant that an equivalent degree of visual screening is achieved.

- e. Ground anchors of all guyed towers shall be located on the same parcel as the communications tower and meet the setbacks of the applicable zoning district.
 - f. Vehicle or outdoor storage surrounding any communications tower site is prohibited. On-site parking for periodic maintenance and service shall be provided at all communication tower sites. Access to and parking for communication tower sites shall be provided on a paved or an alternate dustproof surface.
 - g. Engineering analysis of the likely structural failure scenarios resulting from excess wind and seismic overloading, prepared by a licensed professional engineer, shall be provided as part of any application to install, build or modify an antenna or communications tower.
7. Shared use.
- a. Prior to the issuance of any permit for the installation of an antenna or the construction of a tower or to alter or modify any communications tower or the relocation of any antenna, the owner shall furnish to the Building Official an inventory of all of its existing antenna support structures in or within one-half (½) mile of the City limits and a written and notarized statement agreeing to make said communications towers, future communications towers, including the proposed communications tower which is the subject of the application, available for use by others subject to reasonable technical limitations and reasonable financial terms. The inventory shall include the communication tower's reference name or number, the street location, latitude and longitude, structure type, height, type and mounting height of existing antennas and an assessment of available ground space for the placement of additional equipment shelters. The willful and knowing failure of a tower owner to agree to shared use or to negotiate in good faith with potential users shall be cause for the withholding of future permits to the same owner to install, build or modify antennas or communications towers within the City.
 - b. Any new communications towers shall be designed and constructed to accommodate at least one (1) additional user or more. The willful and knowing failure of the owner of a communications tower built for shared use to negotiate in good faith with potential users shall be cause for the withholding of future permits to the same owner to install, build or modify antennas or communications towers within the City.

Section 440.030. Application Procedures.

- A. No antenna shall be installed or relocated and no communications towers shall be constructed or modified prior to issuance of, and contrary to the terms of, a permit issued by the Building Official. No building permit shall be issued by the Building Official until an application for building permit has been submitted by the applicant and reviewed and approved both by the Planning and Community Design Commission in accordance with Chapter 400 of the Municipal Code and by the Building Official for compliance with the terms of this Chapter and any other applicable provisions of the Municipal Code or ordinances of the City. The following shall be submitted with an application for building permit:
 - 1. A detailed site plan, based on a closed boundary survey of the host parcel, shall be submitted indicating all existing and proposed improvements including buildings, drives, walkways, parking areas and other structures, public rights-of-way, the designation of the subject and adjoining properties as residential, commercial area or industrial, the location of and distance to off-site residential areas, required setbacks, required buffer and landscape areas, hydrologic features and the coordinates and height, above ground level of the existing or proposed communications tower and antenna, together with latitude and longitude, and shall include what other communications tower heights would or could accommodate the applicant's proposed needs along with documentation as to whether the height and location chosen will accommodate any other company's known network.
 - 2. The application shall be reviewed by the Building Department to determine compliance with the above standards and the Building Department shall transmit the application for review and approval of the Planning and Community Design Commission and for review and comment to other departments and public agencies as may be affected by the proposed facility.

3. The application for a new communications tower, or a summary of such application, containing the height, design, location and type of antenna and frequency of the proposed communications tower shall be delivered by certified mail to all potential communications tower users as identified by a schedule maintained by the Building Department. Proof of such delivery shall be submitted with the application to the City. The Building Official shall, before issuing the permit, allow all persons receiving notice of the application at least ten (10) business days to respond to the City and the applicant requesting that the party receiving notice be permitted to share the proposed communications tower. The failure of any notified party to respond to said notice shall be considered in reviewing any subsequent requests for new communications towers by said notified party.
4. Any party seeking shared use of a communications tower, subject to the shared use requirement, may negotiate with the applicant for such use. The applicant may on a non-discriminatory basis choose between incompatible requests for shared use on the same tower or structure and may reject any request where legitimate technical obstacles cannot be reasonably overcome or where the party requesting shared use will not agree to reasonable financial terms designed to equally share the costs of the acquisition, design, construction and maintenance of the tower or structure and wholly offset any additional costs incurred by accommodation of the additional use. Any party believing that the applicant has breached its duty to negotiate in good faith for shared use shall immediately notify the applicant and the Building Official, in writing, who may deny the application upon a finding that shared use has been improperly denied by the applicant. The writing shall explain the precise basis for the claim that the applicant has breached its duty to negotiate in good faith and shall be accompanied by payment of an administrative review fee of three hundred dollars (\$300.00) to the City to offset the costs of this review. After the applicant's receipt of the letter, the applicant shall have ten (10) days to provide a written submission to the Building Official responding to the letter alleging a violation of the shared use requirement. If deemed necessary by the Building Official, the Building Official may engage, at the cost of the party alleging the violation, a neutral qualified technical consultant to provide an opinion on feasibility or costs of the shared-use request. If the Building Official receives such a letter alleging violation of the shared-use requirement, the time for the issuance of a permit is automatically extended up to thirty (30) additional days until the Building Official has determined whether the applicant has complied with such requirement.

Section 440.040. Obsolete Communications Towers.

Any communications tower or the upper portion of any communications tower which is occupied by inactive antennas for a period of twelve (12) months shall be considered a nuisance and be removed at the owner's expense.

Section 440.050. Commercial Operation of Unlawful Communications Tower or Antenna.

Notwithstanding any right that may exist for a governmental entity to operate or construct a tower or structure, it shall be unlawful for any person to construct or operate for any private commercial purpose any new or existing antenna or structure in violation of any provision of this Chapter regardless of whether such structure or antenna is located on any governmental land.

Section 440.060. Building Code and Safety Standards.

The location, construction and installation of antennas and communications towers and the application process for obtaining a permit to locate, construct and install an antenna and communications tower shall be subject to and governed by the terms of all other applicable provisions of this Chapter and the City's zoning ordinance.

CHAPTER 440
COMMUNICATIONS FACILITIES

SECTION 440.010 PURPOSE.

1. These regulations supplement the zoning district regulations contained elsewhere in Article XVI.
2. The purposes of this Chapter are to:
 - A. Provide for the appropriate location and development of communications facilities to serve the City’s residents and businesses;
 - B. Minimize adverse visual impacts of facilities through design, siting, screening, and camouflaging techniques;
 - C. Maximize the use of existing and new facilities so as to minimize the need to construct new or additional facilities;
 - D. Comply with applicable state and federal laws and regulations regarding communications facilities.

SECTION 440.020 DEFINITIONS.

As used in this Article, the following terms shall have the following meanings:

Amateur Radio Antenna: Any Antenna that is owned and operated by an amateur radio operator licensed by the FCC.

Antenna: Any device, array or antenna of any kind, including but not limited to whip antennas, panel antennas, and satellite antennas, that transmits and/or receives electromagnetic signals for voice, data or video communication purposes including, but not limited to, television, AM/FM radio, microwave, cellular telephone, internet and similar forms of communications.

Cabinet: A casing or console, not to include a Shelter, used for the protection and security of communications equipment associated with one or more Antennas.

Commercial Zoning District: The “COR” Commercial/Office/Retail District and the “MU-Gateway” I-170/Olive Boulevard Mixed-Use Gateway District, or any similar successor zoning classification.

Commission: The City’s Planning and Community Design Commission.

Co-Use: The location and use of two (2) or more Antennas on a single Tower or Structure.

Director: The City's Director of Planning and Community Development or his or her designee.

FAA: The Federal Aviation Administration.

Facilities: A network or system, or any part thereof, used for providing or delivering communications services and consisting of one or more lines, pipes, wires, cables, fibers, conduit facilities, cabinets, poles, vaults, pedestals, boxes, appliances, antennas, transmitters, radios, towers, gates, meters, appurtenances, shelters, or other equipment.

FCC: The Federal Communications Commission.

Industrial Zoning District: The "LID" Light Industrial District and the "PA" Public Activity District, or any similar successor zoning classification.

Residential Zoning District: The City's "SR" Single-Family Residential District, "AR" Attached Single-Family Residential District, "PASF" Planned Attached Single-Family Residential District, or "PRO" Planned Residential Office District, or any similar successor zoning classification.

Rights Of Way (or ROW). The surface, the air space above the surface, and the area below the surface of any private street, for the purposes defined herein, and of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, parkway, waterway, public easement, or sidewalk in which the City holds any interest, which may be used for the purpose of installing and maintaining Facilities. "Rights of Way" shall not include (i) City Facilities or the City's property other than ROW, such as city-owned or operated buildings, parks, or other similar property, (ii) airwaves used for cellular, non-wire telecommunications or broadcast services, (iii) easements obtained by private users on private property, (iv) railroad rights of way or ground used or acquired for railroads, or (v) streets owned or under the jurisdiction of St. Louis County or the Missouri Department of Transportation.

Satellite Dish: Any exterior mounted parabolic antenna designed to receive or transmit voice, video, data or other communications signals to or from a satellite.

Shelter: A building for the protection and security of communications equipment associated with one or more Antennas.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including any building but excluding any Tower.

Tower: A tower, spire, column, pole, or similar structure designed and constructed for the support or mounting of one or more Antennas, excluding Amateur Radio Antennas. For purposes of this Article, the term Tower shall also include any related and necessary Cabinet or Shelter when the context so indicates.

SECTION 440.030 PERMITTED FACILITIES.

1. **All Zoning Districts.** In all City zoning districts, any Facility located within a right-of-way shall be considered and may be authorized pursuant to Article I, “Rights of Way Usage Code”, of Chapter 520 of this Code
2. **Residential Zoning Districts.** In the City’s Residential Zoning Districts, Facilities not located within a right-of-way may be authorized by a facilities permit issued pursuant to Section 440.050.3 hereof, provided that:
 - A. Towers are not permitted;
 - B. Satellite Dishes one meter (39.37 inches) or less in diameter shall be a permitted use and are not subject to either a facilities permit or a building permit;
 - C. Amateur Radio Antennas are permitted, including any related support structure not exceeding a height of 50 feet, and are subject to a building permit but not a facilities permit; and
 - D. Any antenna with roof penetration shall be subject to a building permit as provided in Section 440.050.B hereof;
 - E. Modifications to facilities that are not substantial, as provided in Section 440.040.4 hereof, shall be subject to a building permit but not a facilities permit.
3. **Commercial Zoning Districts.** In the City’s Commercial Zoning Districts, Facilities not located within a right-of-way may be authorized by a facilities permit issued pursuant to Section 440.050.3 hereof, provided that:
 - A. Towers are not permitted;
 - B. Satellite Dishes two meters (78.74 inches) or less in diameter shall be a permitted use and shall not be subject to either a facilities permit or a building permit;
 - C. Amateur Radio Antennas are permitted, including any related support structure not exceeding a height of 50 feet, and are subject to a building permit but not a facilities permit; and
 - D. Modifications to facilities that are not substantial, as provided in Section 440.040.4 hereof, shall be subject to a building permit but not a facilities permit.
4. **Industrial Zoning Districts.** In the City’s Industrial Zoning Districts, Facilities not located within a right-of-way may be authorized by a facilities permit issued pursuant to Section 440.050.3 hereof, provided that:
 - A. Satellite Dishes two meters (78.74 inches) or less in diameter shall be a permitted use and

shall not be subject to either a facilities permit or a building permit;

- B. Amateur Radio Antennas are permitted, including any related support structure not exceeding a height of 50 feet, and are subject to a building permit but not a facilities permit;
- C. Tower co-use, and the replacement of Facilities, shall be subject to a building permit as provided in Section 440.050.B;
- D. Modifications to facilities that are not substantial, as provided in Section 440.040.4 hereof, shall be subject to a building permit but not a facilities permit.

SECTION 440.040 FACILITIES REGULATIONS.

1. **General Regulations.** These general regulations apply to all facilities unless contraindicated by a more specific regulation provided elsewhere in this Chapter 440.
 - A. **Regulatory Compliance.** All facilities shall meet or exceed current standards and regulations of the FAA, FCC, and any other State or Federal agency with the authority to regulate such facilities. Should such standards or regulations be amended, then the owner shall bring its facilities into compliance with the revised standards or regulations within such time as is mandated or permitted by the controlling agency.
 - B. **Security.** All facilities shall be protected from unauthorized access by a security fence and/or any other appropriate security devices. A description of proposed security measures, or an explanation as to why such measures are not appropriate, shall be provided as part of any application to install, build, or modify any facilities. No barbed wire will be used on security fences.
 - C. **Lighting.** Facilities shall not be lighted unless required by the FAA, a State or Federal agency with authority to regulate or the City of Olivette, in which case a description of the required lighting scheme shall be made a part of the application to install, build or modify the facilities.
 - D. **Advertising.** Advertising or other signs are not permitted, except for safety or hazard signs.
 - E. **Placement and Screening.** To the extent practicable and feasible, and considering the zoning of the target site, facilities shall be located or screened so as to eliminate or reduce visibility from the public streets and adjacent properties and structures. Screening materials may consist of walls, fences, buildings, mature plant materials or other appropriate items. Screening materials shall be maintained and replaced as needed.
 - F. **Color.** Facilities shall be a neutral color and shall not be bright, reflective, or metallic. Black, gray and tan shall be considered neutral colors, as shall any color that blends with the surrounding dominant color and helps to camouflage the proposed equipment.

- G. Construction and Maintenance. Facilities shall be designed, constructed, and maintained in accord with the City's Building Code and all other applicable federal, state, or local codes or regulations.
- H. Non-use and Removal. An owner shall provide the City with a copy of any notice to the FCC of intent to cease operations and shall have 90 days from the date of ceasing operations to remove the facility. If the owner fails to do so, or if any facility is not used for a period of one year, the facility may be declared a public nuisance and removed at the owner's expense pursuant to Chapter 220 hereof. In case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations. The removal of facilities shall not be a condition of approval of any subsequent application.

2. Antenna and Cabinet Regulations.

- A. Antenna attachment. If permitted in the applicable zoning district, antennas may be attached to an existing tower, utility pole, or other structure with the permission of the owner of said structure and without a facilities permit, provided the attachment is not a substantial modification as provided in Section 440.450. Antennas may not be attached to any new tower or structure without the structure receiving a facilities permit as provided in Section 440.450.
- B. Appearance. Antennas and cabinets shall be designed, constructed, and installed so as to:
 - i. Minimize the visual impact on residential areas and any adverse effect on residential property values;
 - ii. Be architecturally and visually compatible with the color, bulk and size of surrounding buildings, structures, vegetation and uses existing or likely to develop in the underlying zoning district;
 - iii. Avoid any interference with existing driveways, sidewalks, or other pedestrian or vehicle paths;
 - iv. Placed in close proximity to the nearest shared property line, not to extend beyond the width of the required side yard setback of either adjacent property; and
 - v. Meet other physical criteria as may be appropriate under the circumstances.
- C. Roof-mounted antennas:
 - i. No roof-mounted antenna shall be erected so as to injure the roof covering, and when the antenna is removed from the roof, the roof covering shall be repaired to maintain weather and water tightness.
 - ii. Roof-mounted antennas shall not be erected nearer to the lot line than the total

height of the antenna above the roof, nor shall such antenna be erected near electric power lines or encroach upon any street or other public space.

- D. If feasible, a cabinet serving an antenna must be located within or on the structure on which it is mounted, or below grade level, so as to eliminate or minimize the visibility of said structure. If the cabinet is mounted on a structure:
- i. It shall provide maximum pedestrian access along the perimeter of the structure; and
 - ii. It shall not extend more than 24-inches from the support structure.
- E. If in issuing a facilities permit the Commission determines that a cabinet must be located at ground level to serve an antenna, then:
- i. The cabinet shall be located within ten feet of the structure supporting the antenna, unless an alternative design and location is authorized by the Commission due to difficulties of the surrounding natural or building environment;
 - ii. The cabinet shall be mounted on a concrete pad, the maximum height of which shall not exceed three inches from the average ground grade; and
 - iii. The cabinet may be required to meet other physical criteria as may be appropriate under the circumstances.
- F. A cabinet shall not exceed a height of three feet or a volume of 35 cubic feet.
- G. Engineering analysis of the likely structural failure scenarios resulting from excess wind and seismic overloading, prepared by a licensed professional engineer, may be required as part of any application to install, build or modify an antenna or cabinet.

3. Tower Regulations.

- A. Restrictions.
1. Tower height shall not exceed 100 feet, measured from the grade of the installation, unless a different height is authorized by the Commission for co-use or other considerations.
 2. Towers shall not be located within 200 feet of any residential zoning district or within 50 feet of any right-of-way.
 3. Towers shall be set back from all property lines a distance equal to the height of the tower, measured from the grade of the installation.

4. The requirements set forth in this Section 440.040.2.A shall not apply to towers constructed before July 22, 1997.
- B. Towers should be placed:
1. Where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening;
 2. To minimize the visual impact on residential areas and any adverse effect on residential property values;
 3. To avoid a dominant silhouette on ridge lines and preservation of view corridors of surrounding residential areas;
 4. In a manner that results in the concentration of multiple towers in one (1) location.
- C. Tower, tower sites, and tower facilities shall be designed to meet the following criteria:
1. Towers shall be designed and constructed for architectural and visual (color, bulk, size) compatibility with surrounding existing buildings, structures, vegetation and/or uses in the area or those likely to exist. The Commission may require that a tower be designed and constructed so as to be camouflaged or concealed as an architectural or natural feature. Examples of such disguised structures include, but are not limited to, clock towers, campaniles, observation towers, pylon sign structures, water towers, artificial trees, flag poles and light standards.
 2. Tower shelters or cabinets shall have an exterior finish compatible with the natural or built environment of the tower site and may also be brick or other masonry material as required by the Commission.
 3. Tower antennas shall be painted a color identical to, or compatible with, the Tower surface.
 4. Towers shall be surrounded by a landscape strip of not less than ten (10) feet in width and planted with materials which will provide a visual barrier of a minimum height of six (6) feet. Evergreen trees should be at least six (6) feet tall and deciduous trees at least two and one-half (2½) inch in caliper at the time of planting. Said landscape strip shall be exterior to the security fencing. In lieu of the required landscape strip, a minimum six (6) foot high decorative security fence or wall may be approved by the Commission upon demonstration by the applicant that an equivalent degree of visual screening is achieved.
 5. Ground anchors of all guyed towers shall be located on the same parcel as the tower and shall meet the setbacks of the applicable zoning district.
 6. Vehicle or outdoor storage surrounding any tower site is prohibited. On-site parking for periodic maintenance and service shall be provided at all tower sites. Access to

and parking for communication tower sites shall be provided on a paved or an alternate dustproof surface.

7. Engineering analysis of the likely structural failure scenarios resulting from excess wind and seismic overloading, prepared by a licensed professional engineer, shall be provided as part of any application to install, build or modify a tower.

D. Co-Use.

1. Co-use of towers and tower sites shall be required to the maximum extent technically and financially feasible and allowed by law.
2. As part of an application for a facilities permit for a tower, the applicant shall submit a notarized statement: (a) state that it conducted an analysis of available co-use opportunities on existing towers or structures within the same search ring defined by the applicant, and (b) agree to make the proposed tower available for use by others, subject to reasonable technical limitations and financial terms.
3. Any new tower at least 100 feet in height shall be designed and constructed to accommodate at least one co-user, and the Commission may permit towers to exceed the height limitation to accommodate co-use. The Commission may also require an applicant for new construction to exceed the applicable limitation, regardless of whether a co-user is immediately available to share space with the applicant.
4. The willful and knowing failure of an applicant to agree to Co-Use or to negotiate in good faith with potential co-users may be cause for either the denial of a pending application, the revocation of an existing facilities permit, or the withholding of future permits.

4. Modifications.

- A. Changes to existing Antennas, Towers, or structures that are not "substantial modifications" as defined herein shall only be reviewed for conformance with applicable building permit requirements, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability and engineering, without any Commission review.
- B. For purposes of this section, a "substantial modification" is defined as the mounting of an Antenna on a Tower or other structure which, as applied to the structure as it was originally constructed:
 - i. Increases the existing vertical height of the Tower or structure by:
 - (1) More than ten percent; or

- (2) The height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; or
 - ii. Involves adding an appurtenance to the body of a Tower or structure that protrudes horizontally from the edge of the existing Tower or structure more than 20 feet or more than the width of the wireless support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable);
 - iii. Involves the installation of more than the standard number of new outdoor equipment cabinets for the technology involved, not to exceed four new equipment cabinets; or
 - iv. Increases the square footage of the existing equipment compound by more than 1,250 square feet.
- C. Substantial modifications require a Facilities Permit, which shall be subject to Section 440.050.3 hereof.

5. Limitation on Regulations and Commission Exceptions.

- A. Except as may be necessary to ensure public health and safety, the regulations contained in this Chapter shall not be applied so as to (a) impose unreasonable limitations on communications service providers, (b) prevent, degrade, or impair reception or transmission of signals by any facility, or (c) impose costs on providers that are excessive in light of the purchase and installation cost of the equipment.
- B. In considering a Facilities permit application, the Commission may grant an exception to any such regulation based on a clear showing that the exception is reasonably required to provide communications services. Such showing shall be supported by the opinion of a telecommunications consultant hired by the City at the expense of the applicant. The opinion of the consultant shall include a statement explaining why alternatives are not available or viable.
- C. Nothing in this chapter shall be construed or deemed to supersede any applicable state or federal law or any applicable regulation issued by a state or federal agency including, but not limited to, the Missouri Public Service Commission and the Federal Communications Commission. In the event of any conflict between such laws or regulations and this chapter, the applicable state or federal law or regulation shall apply.

SECTION 440.050 REQUIRED PERMITS.

1. Generally.

Applications for a facilities permit shall be filed in lieu of a building permit application.

2. Building Permits.

- A. Antennas not requiring a Facilities permit, and proposals for tower or structure co-use or proposed replacements for already-permitted towers or antennas, when such proposals do not constitute substantial modifications as defined in Section 440.550.5 hereof, shall be subject to a building permit only. Such building permit applications shall only be reviewed for conformance with applicable building permit requirements, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability and engineering, without any Commission review.
- B. An application for a building permit shall be filed with the Director and shall include, among other information that may be required, the following:
- i. Detailed construction and installation plans demonstrating proof of compliance with Section 440.440;
 - ii. Site plan of the parcel upon which the installation is to be made showing the specific location of the proposed installation and all improvements on the parcel;
 - iii. A copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application; and
 - iv. Such other information reasonably required by the Director.
- C. After receiving a building permit application, the Director shall have 45 days from the date of the application's submission, or such additional time as may be agreed to by an applicant and the Director, to approve or deny the application and to advise the applicant in writing of a final decision.
- i. Within 15 days of receiving the application, the Director shall review the application and, if the application does not conform with the submission requirements of this Section, shall notify the applicant in writing of the specific deficiencies in the application which, if cured, would make the application complete.
 - ii. Upon receipt of a timely written notice that an application is deficient, an applicant may take 15 calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within 15 calendar days, the application shall be reviewed and processed within 45 calendar days from the initial date the application was received. If the applicant requires a period of time beyond 15 calendar days to cure the specific deficiencies, the 45 calendar days' deadline for review shall be extended by the same period of time.

- iii. If the Commission fails to act on an application within the 45 calendar days' review period, or an extension thereof due to an incomplete application as provided in this Section, or within such additional time as may be agreed to by an applicant and the Director, the application shall be deemed approved.
- iv. A party aggrieved by either the Director's final decision or the purported failure to timely act may bring an action for review in the St. Louis County Circuit Court, without filing an appeal to the City Council as permitted by Section 440.050.5 hereof. If the party elects to appeal to the City Council, any time period for the filing for court review shall run from the date of the City Council's decision.

3. Facilities Permits.

- A. The construction, installation, and substantial modification of Antennas and Towers shall require a Facilities Permit approved by the Commission.
- B. Applications for Facilities Permits shall be made to the Director on forms provided by the Director. Prior to filing an application the applicant shall meet with the Director to determine the information to be required in support of the application.
 - i. Each application shall be accompanied by payment of a fee established by the City Council.
 - ii. Each application shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application
- C. Facilities Permit applications shall be accompanied by detailed construction and installation plans demonstrating proof of compliance with the regulations of this Chapter and the need for any exception to any such regulation. An application proposing a Tower shall include a detailed site plan based on a closed boundary survey of the host parcel indicating: (i) all existing and proposed improvements, including buildings, drives, walkway, parking areas and other structures, (ii) the location of trees on such parcel, (iii) the general location of the improvements on all adjoining properties, (iv) public rights-of-way, the zoning categories of the host parcel and adjoining properties, the location of buffer and landscape areas, hydrologic features, and the coordinates and height of the proposed facility, (v) any statements or information required by this Article and (vi) such other information as the Director reasonably deems appropriate.
- D. After receiving an application to construct a new Tower, the Commission shall have 120 days from the date of the application's submission, or such additional time as may be agreed to by an applicant and the Director, to approve or deny the application and to advise the applicant in writing of its final decision.
 - i. Within 30 days of receiving the application, the Director shall review the application and, if the application does not conform with the submission

requirements of this Section, shall notify the applicant in writing of the specific deficiencies in the application which, if cured, would make the application complete.

- ii. Upon receipt of a timely written notice that an application is deficient, an applicant may take 30 calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within 30 calendar days, the application shall be reviewed and processed within 120 calendar days from the initial date the application was received. If the applicant requires a period of time beyond thirty calendar days to cure the specific deficiencies, the one hundred twenty calendar days' deadline for review shall be extended by the same period of time.
- iii. If the Commission fails to act on an application within the 120 calendar days' review period, or an extension thereof due to an incomplete application, or within such additional time as may be agreed to by an applicant and the Director, the application shall be deemed approved.
- iv. A party aggrieved by either the Director's final decision or the purported failure to timely act may bring an action for review in the St. Louis County Circuit Court, without filing an appeal to the City Council as permitted by Section 440.050.5 hereof. If the party elects to appeal to the City Council, any time period for the filing for court review shall run from the date of the City Council's decision.

4. Criteria For Facilities Permit Approval.

The Commission shall consider the evidence submitted with the Facilities Permit application as well as additional information presented by the applicant or others. Before approving a Facilities permit for a Commercial Antenna or Tower the Board shall consider and determine the following, as may be applicable, based on the evidence submitted:

- A. Whether existing Towers are located within the geographic area necessary to meet the applicant's engineering requirements.
- B. Whether existing Towers within the applicant's required geographic area are of sufficient height to meet system engineering requirements.
- C. Whether existing Towers have sufficient structural strength to support the applicant's proposed Commercial Antenna and required screening.
- D. Whether the proposed Commercial Antenna would experience or cause signal interference with other telecommunication facilities.
- E. Whether the fees, costs, or other contractual terms required by the owners of existing Towers within the required geographic area of the applicant, or to retrofit the existing structures, are reasonable.

- F. Whether or not there are other limiting conditions that render existing Towers within the applicant's required geographic area unsuitable.
- G. Whether the design of the Commercial Antenna or Tower maximally reduces visual degradation of the building.
- H. Whether the design of the Commercial Antenna or Tower maximally reduces visual degradation of the skyline.
- I. Whether the proposed Commercial Antenna or Tower minimizes the number and size of similar facilities that will be required in the geographic area surrounding the proposed site.

5. Review, Determination and Appeal.

- A. The Commission shall review and determine applications as provided in Section 440.050.4.
- B. A decision to deny an application shall be based upon substantial evidence that shall be made a part of the written record of the meeting at which a final decision on the application is rendered.
- C. Any aggrieved person may, within fifteen (15) days of the decision for which redress is sought, file with the City Council a written request for reconsideration and appeal of any decision of the Commission under this Chapter. The written request must set forth in a concise manner the decision being appealed and all grounds known to the appellant as to wherein and why the decision is allegedly in error. The request for reconsideration and appeal must be filed with the City Clerk within the time specified above. A copy of the request and any supporting documents or materials filed by aggrieved party must be served by the aggrieved party on the applicant (if different than the aggrieved party) by certified U.S. mail, return receipt requested, within three days of filing with the City Clerk. Proof of service on the applicant must be filed with the City Clerk within six days of filing of the request. The City Council may consider the appeal on the record of the prior decision by the Commission or may, at its sole discretion, receive additional evidence in such manner as it deems appropriate in light of the circumstances.
- D. Any person aggrieved by the City Council's final decision may bring an action for review in the St. Louis County Circuit Court.

AN ORDINANCE TO AMEND THE TITLE OF CHAPTER 520 EXCAVATIONS AND GRADING AND ADOPT A NEW CHAPTER TITLE CALLED CHAPTER 520 RIGHTS OF WAY USAGE AND GRADING AND ENACT A NEW ARTICLE I TITLED RIGHTS OF WAY USAGE CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLIVETTE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS

SECTION 1. Title V Building and Construction of the Olivette Municipal Code is hereby amended by renaming Chapter 520 Excavations and Grading to a new title called Chapter 520 Rights of Way Usage and Grading.

SECTION 2. Article I Excavations being part of Chapter 520 is hereby repealed in its entirety and a new Article I titled Rights of Way Usage Code is adopted in lieu thereof, attached hereto as Exhibit A, is made a part of this ordinance as fully set out herein.

SECTION 3. For purposes of the Right of Way Usage Code adopted in Section 2 hereof, the City Council hereby amends Table 1-E. Administrative Enforcement Fees, being part of Title V: Building and Construction Schedule 1: Fees, to add the following:

- Right of Way Usage Registration \$25; and
- Right of Way Usage Application Fee \$50

for the partial recovery of the costs of these services as required therein.

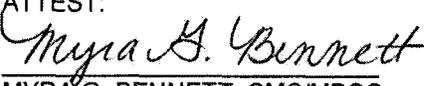
SECTION 4. The sections of this ordinance shall be severable. In the event any section of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this ordinance are valid, unless the court finds the valid sections of this ordinance are so essentially and inseparably connected with, and so dependent upon, the void section that it cannot be presumed the city council would have enacted the valid sections without the void section, or unless the court finds that the valid sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION 5. This ordinance shall become effective from and after its enactment according to law.

Passed and approved this 23rd day of August, 2016.



 MAYOR RUTH SPRINGER

ATTEST:


 MYRA G. BENNETT, CMC/MPCC
 CITY CLERK
 CITY OF OLIVETTE

Ex. A

MUNICIPAL CODE, CITY OF OLIVETTE, MISSOURI
CHAPTER 520, EXCAVATIONS AND GRADING

ARTICLE I. RIGHTS OF WAY USAGE CODE

Section 520.010. Title. This Article shall be known and may be cited as the "Rights of Way Usage Code."

Section 520.020. Purpose and Intent. The purposes and intent of this Article are to:

- A. Manage Rights of Way Work in the City of Olivette to the extent permitted by state and federal law to ensure the safe and aesthetic placement of facilities and the restoration of any ROW cuts or excavation and so protect the public health, safety, and welfare;
- B. Establish procedures, standards, and requirements for, among other things: (a) the registration of persons having facilities within the Rights of Way, and persons desiring to do so, (b) work performed in the city's Rights of Way, (c) facilities placed within the ROW, and (d) security for such work and the removal of abandoned facilities; and
- C. Comply with applicable state and federal laws and regulations regarding facilities or services in public or private Rights of Way.

Section 520.030. Definitions and Word Usage. The following terms shall have the following meanings unless otherwise defined by context:

"City Facilities," any Facilities located Within the Public Rights of Way and owned by the City.

"City Manager," the manager or administrator of the City or such other person designated by the City to hear appeals as provided in Section 70.030.2 hereof.

"Director," the City's Public Works Director or Planning and Community Design Director, as context requires, or such other designated person.

"Emergency Rights of Way (or "ROW") Work," includes but is not limited to ROW Work made necessary by exigent circumstances to repair, control, stabilize, rectify, or correct an unexpected or unplanned outage, cut, rupture, leak, or any other failure of a Facility when such failure results or could result in danger to the public or a material delay or hindrance to the provision of Service.

"Facilities," a network or system, or any part thereof, used for providing or delivering a Service and consisting of one or more lines, pipes, wires, cables, fibers, conduit facilities, cabinets, poles, vaults, pedestals, boxes, appliances, antennas, transmitters, radios, towers, gates, meters, appurtenances, shelters, or other equipment.

"Person," an individual, partnership, limited liability corporation or partnership, association, joint stock company, trust, organization, corporation, or other entity, or any lawful successor thereto or transferee thereof.

"Person(s) Having Facilities Within the Rights of Way," any Person having ownership or control of Facilities located Within the Rights of Way.

"Private Street," a street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, parkway, waterway, public easement, or sidewalk in which the City does not now or hereafter holds any interest.

"Rights of Way" or "ROW," unless otherwise restricted herein, the surface, the air space above the surface, and the area below the surface of any private street, for the purposes defined herein, and any of public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, parkway, waterway, public easement, or sidewalk in which the City holds any interest, which, consistent with the purposes for which it was dedicated, may be used for the

purpose of installing and maintaining Facilities. "Rights of Way" shall not include (i) City Facilities or the City's property other than ROW, such as city-owned or operated buildings, parks, or other similar property, (ii) airwaves used for cellular, non-wire telecommunications or broadcast services, (iii) easements obtained by ROW Users on private property, (iv) railroad Rights of Way or ground used or acquired for railroads, (v) Facilities owned and used by the City for the transmission of one or more Services, or (vi) streets owned or under the jurisdiction of St. Louis County or the Missouri Department of Transportation. No reference herein to "Rights of Way" shall be deemed to be a representation or guarantee by the City that its interest or other right to control the use of such property is sufficient to permit its use for the delivery of Service.

"Rights of Way (or "ROW") Permit," a permit granted by the City to a ROW User for ROW Work.

"Rights of Way (or "ROW") User," a Person performing ROW Work Within the Rights of Way. A ROW User shall not include ordinary vehicular or pedestrian use.

"Rights of Way (or "ROW") Work," action by a ROW User to (i) install, change, replace, relocate, remove, maintain or repair Facilities Within the Rights of Way, or (ii) to conduct work of any kind Within or adjacent to the Rights of Way that results in an excavation, obstruction, disruption, damage or physical invasion or impact of any kind to the Rights of Way or the use thereof. The routine inspection of Facilities shall not be considered ROW Work unless the inspection requires the conduct of any of the activities or actions noted herein.

"Service," providing or delivering an economic good or an article of commerce, including, but not limited to gas, telephone, cable television, Internet, open video systems, video services, alarm systems, steam, electricity, water, telegraph, data transmission, petroleum pipelines, sanitary or storm water sewerage or any similar or related service, to one or more Persons located within or outside of the City by use of Facilities located within the Rights of Way.

"Within" means in, along, under, over, or across Rights of Way.

Section 520.040. Registration of Person(s) Having Facilities Within The Row.

- A. **Registration Required.** Any person desiring to become a Person Having Facilities Within the ROW and any Person Having Facilities Within the ROW must register with the City.
- B. **Effectiveness Of Registration.** Registration hereunder by an eligible person shall remain effective for so long as that person remains eligible, unless terminated by the person or the City hereunder. Any registration of an ineligible person shall be void from the date of ineligibility.
- C. **Registration Characteristics.**
 - (1) A valid registration hereunder authorizes the issuance of ROW permits to the registered person in accordance with this Code. It does not expressly or implicitly authorize ROW work without a ROW permit or work on private property without owner consent through eminent domain or otherwise (except for use of compatible easements pursuant to law) or to use publicly or privately owned facilities without a separate agreement with the owners.
 - (2) A valid registration hereunder shall not eliminate the need to obtain any franchise, license, permit, easement, lease, or other contract for the privilege of (i) transacting and carrying on a business within the City as may be generally required by the ordinances and laws of the City, (ii) attaching devices to poles or other structures, whether owned by the City or other person, or (iii) performing ROW Work Within a Private Street.
 - (3) A valid registration grants no exclusive or vested rights to occupancy within the Rights of Way other than those rights granted by this code or its administration.
- D. **Registered Person Subject To Other Laws.**

- (1) A person required to register shall at all times be subject to and shall comply with all applicable federal, state and local laws and shall at all times be subject to all lawful exercise of the police power of the City, including but not limited to all powers regarding planning, zoning, supervision of construction, assurance of equal employment opportunities, control of Rights of Way and consumer protection.
 - (2) Registration hereunder shall not deprive any person of any rights or obligations imposed by any previously existing franchise, license or contract, nor shall it impose any obligations on any such person in addition to those included in any previously existing franchise, license or contract, except to the extent allowed by law.
 - (3) Nothing in this code shall be construed to prohibit the grant or renewal of any franchise by the City as may be allowed or required by state or federal law.
 - (4) Nothing in this code shall be construed or deemed to supersede any applicable state or federal law or any applicable regulation issued by a state or federal agency including, but not limited to, the Missouri Public Service Commission and the federal Communications Commission. In the event of any conflict between such laws or regulations and this code, the applicable state or federal law or regulation shall apply.
- E. Failure To Register. Any person who has not registered within ninety (90) days of the effective date of this code shall nonetheless be subject to all requirements of this code including, but not limited to, its provisions regarding ROW permits, construction and technical standards and fees, except as otherwise provided herein. In its discretion and to the extent allowed by law, the City at any time may:
- (1) Require such person to register within thirty (30) days of receipt of a written notice to such person from the City that registration is required;
 - (2) Require such person to remove its facilities from the Rights of Way and restore the affected area to a condition satisfactory to the City within a specific time period;
 - (3) Direct municipal personnel to remove the facilities from the Rights of Way and restore the affected area to a condition satisfactory to the City and charge the person the costs thereof, including by placing a lien on the person's property as provided in connection with abating nuisances; or
 - (4) Take any other action it is entitled to take under applicable law.
- F. Registration Exemption. Governmental entities having facilities within the ROW need not register hereunder, but such entities shall be subject to Sections 515.060 and 515.070 of this code and such other Sections or provisions as may be appropriate to their presence in the ROW.

Section 520.050. Registration Procedures.

- A. Requirements And Processing.
- (1) Registration shall be accomplished in the form of a letter to the City filed with the Director.
 - (2) To be valid, the registration letter must be signed by an authorized representative of the registering person and contain all required information and be accompanied by a filing fee established by the City.
 - (3) At any time the Director determines a registration letter does not comply with this code, the Director may return it to a point of contact identified therein with a written explanation of the reason(s) for such return. Filing fees shall not be refunded. Failure to return a registration letter shall not validate an incomplete or otherwise invalid or void registration letter.
- B. Contents Of Registration Letter. A registration letter shall contain or be accompanied by the information required herein. All such information received by the City shall be public, unless confidentiality is requested and permitted by the Missouri Open Meetings Law and other applicable state and federal law. The information required shall include:

- (1) Name, address and legal status of the registering person;
 - (2) Name, title, address, telephone number, e-mail address and fax number of individual(s) authorized to serve as the point of contact between the City and the registering person so as to make contact possible at any time (i.e., twenty-four (24) hours per day, seven (7) days per week);
 - (3) Description of the general uses made or to be made of the facilities located within the Rights of Way by the registering person, e.g., provision of service(s), transfer or lease of facilities (or portion thereof, including bandwidth) to another person, use of the facilities to transverse the City, construction of facilities to be used at a later date, etc.;
 - (4) Description of all services provided or to be provided by the registering person to any person located in the City through facilities located within the Rights of Way and an explanation of the registering person's legal qualifications to provide such services, including copies of supporting documentation such as relevant certificates or orders from the federal Communications Commission, Missouri Secretary of state and/or Missouri Public Service Commission or pertinent rules or Statutes;
 - (5) Name and address of any and all other persons providing service(s) to any person located in the City through the registering person's facilities located within the Rights of Way and a general description of such service(s); and
 - (6) Current certificates of insurance in accordance with this code.
- C. Notice Of Change. Within thirty (30) days of any changes in the information set forth in or accompanying its registration letter, a registered person shall notify the City of any such change. Such notices shall be submitted and processed in the same manner as an initial registration, except the filing fee shall not be required.
- D. Registration Index. The Director shall maintain an index of all registered persons and their point(s) of contact.
- E. Termination Of Registration.
- (1) The City shall have the right to terminate a registration for a substantial and ongoing failure to comply with this Code or other applicable law or for defrauding or attempting to defraud the City. To invoke the provisions of this Section, the Director shall give the person written notice of such intent. If within thirty (30) calendar days following such written notice from the City, the person has not completed corrective action or corrective action is not being actively and expeditiously pursued to the satisfaction of the Director, the Director may commence a proceeding to consider terminating the person's registration, giving written notice of the reasons therefor.
 - (2) Prior to terminating a registration, the Director shall hold a hearing, after giving at least ten (10) calendar days' notice to the person, at which time the person shall be given an opportunity to be heard. Following the hearing, the Director may determine whether to terminate the registration based on the information presented at the hearing and other information of record. If the Director determines to terminate a registration, the decision shall be in writing setting forth the reasons therefor. The Director may make such decision conditional on a person's failure to resolve outstanding problems or take appropriate steps to resolve such problems within a specific period of time. A copy of such decision shall be provided to the person.
 - (3) Once a registration has been terminated by the Director, the person may not register again except upon express written approval by the City Manager, which approval shall be withheld absent clear and convincing evidence that the person has remedied all previous violations and is in full compliance with all laws and will not in the future violate this code or defraud the City.
 - (4) Registration of a public utility that has been legally granted access to the right-of-way shall not be terminated.

Section 520.060. Right-of-Way ("ROW") Permits.**A. Application Requirements.**

- (1) Any Person desiring to perform ROW Work must first apply for and obtain a ROW Permit, in addition to any other building permit, license, easement, franchise, or authorization that may be required by law. In the event of a need for Emergency ROW Work, the Person conducting the work shall as soon as practicable notify the City of the location of the work and shall apply for the required ROW Permit as soon as practicable following the commencement of the work, not to exceed the third business day thereafter. The Director may design and issue general permits for Emergency ROW Work for several different locations or throughout the City.
- (2) No person desiring to become a Person Having Facilities Within the ROW, and no Person Having Facilities Within the ROW, who has failed to register with the City shall be granted a ROW permit, except as otherwise provided or allowed by ordinance, franchise, license, or written contract with the City.
- (3) An application for a ROW Permit shall be submitted to the Director. The Director may design and make available standard forms for such Applications, requiring such information as allowed by law and as the Director determines in his or her discretion to be necessary and consistent with the provisions of this Ordinance and to accomplish the purposes of this Ordinance. Each Application shall at minimum contain the following information for the proposed ROW Work, unless otherwise waived by the Director:
 - (a) The name, address and telephone number of a representative whom the City may notify or contact at any time (i.e., 24 hours per day 7 days per week) concerning the work
 - (b) If different from the Applicant, the name, address, and telephone number of the Person on whose behalf the proposed work is to be performed;
 - (c) A description of the proposed work, including a conceptual master plan and an engineering site plan or other technical drawing or depiction showing the nature, dimensions, location, and description of the Applicant's proposed work or Facilities, their proximity to other Facilities that may be affected by the proposed work, and the number of street crossings and their locations and dimensions, if applicable;
 - (d) Projected commencement and termination dates and anticipated duration of the work or, if such dates are unknown, a representation that the Applicant shall provide the Director with reasonable advance notice of such dates once they are determined;
 - (e) If the applicant is, or is acting on behalf of, a Person Having Facilities Within the ROW or a person desiring to become a Person Having Facilities Within the ROW, verification that the applicant or such person has registered with the City and that the information included in that registration is accurate as of the date of the application;
 - (f) Proof of security for the work and restoration of the ROW as provided in Section 520.080, below; and
 - (g) For above-ground facilities:
 - (i) Technical information, including:
 - a. A detailed description of the physical dimensions and appearance of the proposed facilities;
 - b. The chemical composition of any battery contained within the proposed facilities;

- c. Any hazardous material contained within the proposed facilities;
 - d. The potential for interference with the facilities of other wireless transmission providers;
 - e. In the discretion of the Director, an engineering analysis of structural failure scenarios resulting from excess wind and seismic overloading, prepared by a licensed professional engineer;
 - f. Such other information as may be reasonably required by the Director and consistent with Section 510.015.2(d) hereof;
- (ii) Certification, by a duly authorized representative of any person owning a facility, utility pole or other structure within the ROW upon which the applicant's facility is to be attached or secured, that:
- a. The applicant has permission from such person to install the facility;
 - b. The person is not in default of any franchise, license or other agreement with the City; and
 - c. The person is not in substantial violation of any provision of this code;
- (h) Proof that the ROW User has the legal authority to perform ROW Work within said street and further that the City is authorized thereby to regulate same through this Code. In the absence of such proof, the ROW User shall provide for the assumption of all risk and the indemnification of the City for any resulting loss or damage, in a form acceptable to the City Attorney.
- (4) The information required by the Application may be submitted in the form maintained by the Applicant, provided it is responsive to the Application's requirements, and the Applicant shall be allowed a reasonable amount of time to complete the Application based on the amount of data or information requested or required.
- (5) Each such Application shall be accompanied by the following payments:
- (a) An application fee approved by the City to cover the cost of processing the Application;
 - (b) A deposit, if applicable, for any cut into or excavation of the ROW, as provided in Section 520.080 hereof; and
 - (c) Any other amounts due to the City from the Applicant, including but not limited to prior delinquent fees, costs, and any loss, damage, or expense suffered by the City because of the Applicant's prior work in the Rights of Way or for any emergency actions taken by the City, but the Director may modify this requirement to the extent the Director determines any such fees to be in good-faith dispute or beyond the ability of the Applicant to control.
- (6) Applications shall be reviewed and acted upon within the timeframes provided in this article. The City acknowledges that federal law or regulations may prescribe deadlines not consistent with those included in this article, but the certainty of such federal deadlines cannot be effectively ascertained and prescribed herein. It shall be incumbent upon the Applicant to inform the City of any desire to utilize federal deadlines and to explain the applicability of same at the time of application. The Director shall include a federal deadline option on the City's form application.

B. Application Review and Determination.

- (1) The Director shall promptly review each Application for a ROW Permit that is complete and in compliance with all application requirements. The Director shall

grant or deny all such Applications within thirty-one (31) days of their receipt. Unless the Application is denied, the Director shall issue a ROW Permit upon determining that the Applicant:

- (a) Has submitted all necessary information;
- (b) Has paid the appropriate fees and
- (c) Is in full compliance with this Ordinance and all other City ordinances.

In order to avoid excessive processing and accounting costs to either the City or the applicant, the Director may establish procedures for bulk processing of Applications and periodic payment of fees to avoid excessive processing and accounting costs.

- (2) It is the intention of the City that interference with, damage to, excavation or disruption of, or the placement of Facilities Within, the City's Rights of Way should be minimized and limited in scope to the extent allowed by law to achieve the purposes of this Ordinance. When reasonable and necessary to accomplish such purposes, the Director may require as alternatives to the proposed ROW Work either less disruptive methods or different locations for Facilities, provided that any required alternative:
- (a) Shall not increase expenses by more than ten percent (10%) of the Applicant's costs for the work as proposed,
 - (b) Shall not result in a decline of service quality, and
 - (c) Shall be competitively neutral and nondiscriminatory.

The Director shall provide to the Applicant the reasons why the required alternative is reasonable and necessary.

- (3) Upon receipt of an Application, the Director shall determine whether any portion of the Rights of Way will be affected by the proposed work and whether the interference, disruption, or placement of Facilities will be more than minor in nature. In determining whether the proposed work is more than minor in nature the Director shall consider the nature and scope of the work, its location and duration, and its effect on the Rights of Way, the use thereof, and neighboring properties.
- (a) If the Applicant can show to the Director's reasonable satisfaction that the work involves no interference, disruption, excavation, or damage to, or only minor interference, with, the Rights of Way, or that the work does not involve the placement of Facilities or involves time-sensitive maintenance, then the Director shall promptly grant the ROW Permit.
 - (b) If the Director determines that the effect on the Rights of Way will be more than minor in nature and no exemption under the above paragraph (3)(a) or any other provision of this Ordinance applies, the Director shall schedule and coordinate the work and grant the ROW Permit accordingly. When reasonable and necessary to accomplish the purposes of this Ordinance, the Director may postpone issuance of a ROW Permit, and may give public notice of the Application in an attempt to identify whether any other Person intends to do work in the same area within a reasonable period of time, so that all ROW Work in the area can be coordinated. Due regard shall be accorded Applicants that are required by any law, rule, regulation, license, or franchise to provide Service to the area defined in the Application. The Director shall not impose any coordination or scheduling requirements that prevent or unreasonably delay an Applicant's access to the ROW or that create a barrier to entry.
 - (c) Applicants shall participate in any joint planning, construction and advance notification of such work, including coordination and consolidation of any excavation of or disturbance to the Rights of Way, as directed by the Director. Applicants shall cooperate with each other and other ROW Users

and the City for the best, most efficient, least intrusive, most aesthetic, and least obtrusive performance of ROW Work and use of the ROW.

- (d) The Director shall provide contact information permitting Applicants to ascertain whether existing capacity may be available from other Persons utilizing the Rights of Way along the intended path of any proposed work. The Director shall also maintain indexes of all ROW Permits issued, both by the ROW User and by the affected Rights of Way.
- (e) The grant of a ROW permit shall not eliminate the need of an applicant to obtain (i) any other permit required by law for the construction or installation of Facilities Within the ROW or (ii) any other authority necessary for the placement or attachment of Facilities on property other than the ROW.

(4) In addition, the following provisions shall apply to above-ground Facilities:

- (a) The design, location, nature, and construction of above-ground Facilities shall be subject to the review and approval of the Director as provided herein and as otherwise required by law. Such review shall be non-discriminatory and competitively neutral and approvals shall not be unreasonably withheld.
- (b) In considering the application the Director shall consider the requirements of Towers and Antennas as contained in Chapter 440 of the Municipal Code and shall apply those requirements to the extent practicable and consistent with the purposes and intent of this Code, but no special antenna permit shall be required for the placement of such Facilities in the ROW.
- (c) The Director may designate certain locations or facilities in the ROW to be excluded from use by the applicant for its facilities including, but not limited to:
 - (i) Ornamental or similar specially designed street lights,
 - (ii) Designated historic areas,
 - (iii) Facilities, equipment, structures or locations that do not have electrical service adequate or appropriate for the proposed facilities or cannot safely bear the weight or wind loading thereof,
 - (iv) Facilities, equipment, structures or locations that in the reasonable judgment of the Director, are incompatible with the proposed facilities or would be rendered unsafe or unstable by the installation, and
 - (v) Facilities, equipment, structures or locations that have been designated or planned for other use or are not otherwise available for use by the applicant due to engineering, technological, proprietary, legal or other limitations or restrictions.
- (d) The design and placement of above-ground Facilities shall:
 - (i) Maximize use of structures on which such facilities already exist;
 - (ii) Avoid interference with existing driveways, sidewalks, or other pedestrian or vehicle paths (antennas shall not be located less than eight feet above grade);
 - (iii) Be located no closer to similar Facilities as may be necessary for service delivery, so as to minimize adverse visual impacts and preserve property values;
 - (iv) Not inhibit the current or future use of the ROW;
 - (v) Be a neutral color and shall not be bright, reflective or metallic (black, gray and tan shall be considered neutral colors, as shall any color that blends with the surrounding dominant color and helps to camouflage the facilities);

- (vi) Be screened sufficiently to reasonably conceal the facility, if the facility is taller than three (3) feet in height or exceeds four (4) square feet in size, with the Person Having Facilities Within the ROW being responsible for the installation, repair, or replacement of screening materials);
 - (vii) Not emit any unnecessary or intrusive noise and shall comply with all other applicable regulations and standards established by the state, federal, or local law; and
 - (viii) Meet such additional physical criteria as reasonably determined by the Director.
- (5) If the application of any provision of this Code excludes locations for facilities to the extent that the exclusion conflicts with the reasonable requirements of the applicant, the Director shall cooperate in good faith with the applicant to attempt to find suitable alternatives.
- (6) The grant of a ROW permit shall not eliminate the need to have obtained a license, permit or other agreement for attaching facilities to other facilities, poles or other structures, whether owned by the City or another Person.
- (7) Nothing in this Code shall be construed to require that the City any Person access to any City facilities or the City's proprietary property, but the City may enter into separate agreements to allow such access. Such agreements may include the payment of rent or reasonable attachment fees for use of City facilities or other City property. All such agreements shall be non-discriminatory and competitively neutral among wireless transmission providers.

C. Permit Issuance and Denial.

- (1) Each ROW Permit issued by the Director shall include:
- (a) Projected commencement and termination dates or, if such dates are unknown at the time the permit is issued, a provision requiring the ROW User to provide the Director with reasonable advance notice of such dates once they are determined;
 - (b) Length of affected Rights of Way, number of road crossings, and identification and description of any pavement or curb cuts included in the work;
 - (c) Information regarding scheduling and coordination of work, if necessary;
 - (d) The location of any of the Applicant's Facilities, both those proposed and existing, and the location of any known Facilities owned by another Person that may be affected by the proposed work;
 - (e) An acknowledgement and representation by the Applicant to comply with the terms and conditions of the ROW Permit and this Ordinance; and
 - (f) Such conditions and requirements as are deemed reasonably necessary by the Director to protect structures and other Facilities in the Rights of Way from damage, to restore such Rights of Way; and any structures or Facilities, to ensure the reasonable continuity and sight-lines of pedestrian and vehicular traffic, and to protect property values, the aesthetics of adjoining properties and neighborhoods, and the public health, safety and welfare.
- (2) An applicant receiving a ROW permit shall promptly notify the Director of any material changes in the information submitted in the application. The Director may issue a revised ROW permit or require that the ROW User reapply for a ROW permit in accordance with all requirements of this code.
- (3) ROW permits inure to the benefit of the applicant and the rights granted thereunder may not be assigned or transferred to any other person without the written consent of

the Director.

- (4) The Director may deny an Application, if denial is deemed to be in the public interest, for the following reasons:
- (a) Delinquent fees, costs or expenses owed by the Applicant;
 - (b) Failure to provide information required by the Application or this code;
 - (c) The Applicant being in violation of the provisions of this code or other pertinent and applicable City ordinances;
 - (d) Failure to return the ROW to its previous condition under previously issued ROW Permits or after prior excavations by the Applicant;
 - (e) For reasons of environmental, historic or cultural sensitivity, as defined by applicable federal, state or local law;
 - (f) For the Applicant's refusal to comply with alternative ROW Work methods, locations, or other reasonable conditions required by the Director; and
 - (g) For any other reason to protect the public health, safety and welfare, provided that such denial does not fall within the exclusive authority of the Missouri Public Service Commission or interfere with a ROW User's right of eminent domain of private property, and provided further that such denial is imposed on a competitively neutral and nondiscriminatory basis.

D. Permit Revocation and Ordinance Violation.

- (1) The Director may revoke a ROW Permit without fee refund after notice and an opportunity to cure, but only in the event of a substantial breach of the terms and conditions of the permit or this Ordinance. Prior to revocation the Director shall provide written notice to the ROW User identifying any substantial breach and allowing a reasonable period of time not longer than thirty (30) days to cure the problem, which cure period may be immediate if certain activities must be stopped to protect the public safety. The cure period shall be extended by the Director on good cause shown by the ROW User. A substantial breach includes, but is not limited to, the following:
- (a) A material violation of a provision of the ROW Permit or this Ordinance;
 - (b) An evasion or attempt to evade any material provision of the ROW Permit or this Ordinance, or the perpetration or attempt to perpetrate any fraud or deceit upon the City or its residents;
 - (c) A material misrepresentation of fact in the ROW Permit Application;
 - (d) A failure to complete ROW Work by the date specified in the ROW Permit, unless an extension is obtained or unless the failure to complete the work is due to reasons beyond the ROW User's control; and
 - (r) A failure to correct, upon reasonable notice and opportunity to cure as specified by the Director, work that does not conform to applicable national safety ordinances, industry construction standards, this Ordinance or any other applicable ordinances, provided that City standards are no more stringent than those of a national safety ordinance.
- (2) Any breach of the terms and conditions of a ROW permit shall also be deemed a violation of this Ordinance, and in lieu of revocation the Director may initiate prosecution of the ROW User for such violation.

E. Private Streets.

Notwithstanding anything in this Code to the contrary, the City has no authority to grant a ROW User the right to install or maintain Facilities or to perform work in any Private Street; provided, however, the City shall regulate any ROW Work in any Private Street under its

inherent police power and as provided in this Code for purposes of public health and safety. Doing so is not intended and may not be considered as an exercise of jurisdiction over such Private Street for the purposes of public use or maintenance.

Section 520.070. Work in the Rights of Way.

A. Jurisdiction, Inspection, Permit Deadlines, Stop Work Orders, and Liability.

- (1) No person shall perform any excavation in the ROW without providing proof of security for such work or for the restoration and maintenance of the ROW as provided in Section 520.080, below. In the event of a need for Emergency ROW Work, the Person conducting the work shall provide the required proof as soon as practicable following the commencement of the work, not to exceed the third business day thereafter.
- (2) All Facilities and ROW Work shall be subject to inspection by the City and the supervision of all federal, state and local authorities having jurisdiction in such matters to ensure compliance with all applicable laws, ordinances, departmental rules and regulations, and the ROW Permit. The City shall charge an inspection fee in an amount determined by the Director.
- (3) ROW Work shall commence within 30 calendar days after the issuance of the permit and if not so commenced, such permit shall be deemed terminated. Permits so terminated may be renewed upon the payment of an additional permit fee as originally required. Every permit shall expire at the end of the period of time set out in the permit. If the ROW User is unable to commence or to complete the work within the specified time, the ROW User shall, prior to the expiration date, present in writing to the Director a request for an extension of time setting forth the reasons for the requested extension. If the Director determines that such an extension is necessary and not contrary to the public interest, the ROW User may be granted additional time for the completion of the work.
- (4) The Director shall have full access to all portions of the ROW Work and may issue stop work orders and corrective orders to prevent unauthorized or substandard work. Such orders:
 - (a) May be delivered personally or by certified mail to the address(es) listed on the Application for the ROW Permit or the Person in charge of the construction site at the time of delivery;
 - (b) Shall state that substandard work or work not authorized by the ROW Permit is being carried out, summarize the substandard or unauthorized work and provide a period of not longer than thirty (30) days to cure the problem, which cure period may be immediate if certain activities must be stopped to protect the public safety; and
 - (c) May be enforced by equitable action in the Circuit Court of St. Louis County, Missouri, and in such case the Person responsible for the substandard or unauthorized work shall be liable for all costs and expenses incurred by the City in enforcing such orders, including reasonable attorney's fees, in addition to any and all penalties established in this Ordinance.

B. Installation of Facilities.

- (1) In conjunction with the City's long-standing policy favoring underground construction, no Person may erect, construct or install new poles or other Facilities above the surface of the Rights of Way without the written permission of the City, unless the City's authority has been pre-empted by state or federal law. Such permission may be granted through a ROW Permit when other similar Facilities exist above-ground or when conditions are such that underground construction is impossible, impractical or economically unfeasible, as determined by the City, and when in the City's judgment the above-ground construction has minimal aesthetic impact on the area where the construction is proposed.

- (2) During installation of Facilities and to the extent authorized by law, existing underground conduits shall be used whenever feasible and permitted by the owner thereof.
- (3) In the case of new construction or property development, the developer or property owner shall give reasonable written notice, to other potential ROW Users as directed by the City, of the particular date on which open trenching will be available for installation of Facilities. Costs of trenching and easements required to bring Facilities within the development shall be borne by the developer or property owner, except that if the Facilities are not installed within five (5) working days of the date the trenches are available, as designated in the notice given by the developer or property owner, then once the trenches are thereafter closed, the cost of new trenching shall be borne by the Person installing the Facilities.
- (4) Facilities shall be constructed and maintained in such a manner so as not to emit any unnecessary or intrusive noise and shall comply with all other applicable regulations and standards established by the City or state or federal law.

C. Relocation of Equipment and Facilities.

- (1) In the event of an emergency, or where construction equipment or Facilities create or are contributing to an imminent danger to health, safety, or property, the City may, to the extent allowed by law, remove, re-lay, or relocate such construction equipment, or the pertinent parts of such Facilities, without charge to the City for such action or for restoration or repair. The City shall attempt to notify the Person Having Facilities Within the ROW prior to taking such action, but the inability to do so shall not prevent same. Thereafter, the City shall notify the Person Having Facilities Within the ROW as soon as practicable.
- (2) At the City's direction and as may be permitted by law, all Facilities shall be moved underground and the cost shall be solely the obligation of the Person Having Facilities Within The ROW (or as otherwise allowed or required by law).
- (3) Any Person Having Facilities Within the ROW shall, within a reasonable time specified by the City, protect, support, disconnect, relocate or remove, at its own expense, construction equipment or discrete portions of its facilities when required by the City by reason of traffic conditions; public safety; Rights of Way construction, maintenance or repair (including resurfacing or widening); change of Rights of Way grade or boundaries; construction, installation or repair of sewers, drains, water pipes, power lines, signal lines, tracks or any type of government-owned communications system, public work or improvement or any government-owned utility; Rights of Way vacation; or for any other purpose where the convenience of the City would be reasonably served thereby. This requirement shall not apply when the Person Having Facilities Within the ROW holds a valid easement that existed prior to the date when the area in question became Rights of Way. The Person Having Facilities Within the ROW shall bear the burden of establishing to the City's satisfaction the fact of the pre-existing easement.
- (4) Any Person Having Facilities Within the ROW shall, on the request of the City or any person authorized by the City, temporarily relocate facilities to permit the moving of buildings or oversized vehicles.
- (5) A Person Having Facilities Within the ROW shall, on the reasonable request of any Person and after reasonable advance written notice, protect, support, disconnect, relocate, or remove Facilities to accommodate such Person, and the actual cost, reasonably incurred, of such actions shall be paid by the Person requesting such action. The Person Having Facilities Within the ROW taking such action may require such payment in advance.
- (6) Rather than relocate Facilities as requested or directed, a ROW User may abandon the facilities if approved by the City as provided in Subsection (F) of this Section.
- (7) No action hereunder shall be deemed a taking of property, and no Person shall be

entitled to any compensation therefor. No location of any Facilities Within the Rights of Way shall be a vested interest.

D. Property Repair and Alterations.

- (1) During any ROW Work, the Person doing the work shall protect from damage any and all existing structures and property belonging to the City and any other Person. Any and all Rights of Way, public property, or private property disturbed or damaged during the work shall be repaired or replaced by the Person doing the work or the Person on whose behalf the work is being done, and such Person shall immediately notify the owner of the fact of any damaged property. Such repair or replacement shall be completed within a reasonable time specified by the Director and to the Director's satisfaction.
- (2) Any alteration to the existing water mains, sewerage or drainage system or to any City, state or other public structures or facilities in the Rights of Way required on account of the construction, installation, repair or maintenance of Facilities Within the Rights of Way shall be made at the sole cost and expense of the owner of such Facilities.

E. Removal, Abandonment, Transfer, and Relocation of Facilities.

- (1) If a registration is terminated, the City may require that the Person Having Facilities Within the ROW remove its facilities from the Rights of Way at the person's expense. In removing its facilities the person shall obtain a ROW permit and restore any excavation that shall be made by it as required by this code. The liability, indemnity, insurance and bonding requirements as provided herein shall continue in full force and effect during and after the period of removal and restoration and until full compliance by the person with the terms and conditions of this paragraph and the requirements of this code.
- (2) If a Person Having Facilities Within the ROW installs the Facilities without having complied with the requirements of this code, the City may:
 - (a) Require the removal of the Facilities,
 - (b) Remove the Facilities at the expense of the Person Having Facilities Within the ROW, or
 - (c) Require the transfer of the Facilities as provided herein.
- (3) If a Person Having Facilities Within the ROW:
 - (a) Discontinues use of any facility for a continuous period of twelve (12) months;
 - (b) Has installed the facilities without complying with the requirements of this code; or
 - (c) Declares the facilities abandoned or if such facilities are:
 - (i) No longer in active use;
 - (ii) No longer capable of being used for the same or similar purpose for which the facilities were installed; or
 - (iii) Are physically disconnected from any other facility that is in use or in service;

Then the facilities may be deemed abandoned. If such abandonment occurs, the City may require the removal of the facilities, remove the facilities at the expense of the Person Having Facilities Within the ROW, allow the abandonment of the facilities without removal or require the transfer of the facilities, all as provided in this Subsection 6.

- (4) If the City requires removal of the Facilities, the Person shall obtain a ROW Permit

and shall abide by all requirements of this Ordinance. The liability, indemnity, insurance and bonding requirements required herein shall continue in full force and effect during and after the period of removal and restoration and until full compliance by the Person with the terms and conditions of the ROW Permit and the requirements of this Ordinance.

- (5) If the Person fails to remove the Facilities after having been directed to do so, the City may, to the extent permitted by law,
 - (a) Have the removal done at the Person's expense.
 - (b) Deem the Facilities abandoned, without removal, if the Director determines that abandonment is not likely to prevent or significantly impair the future use, repair, excavation, maintenance, or construction of the ROW.
 - (c) Determine that the ownership of the Facilities should be transferred to the City, or to such Person as directed by the City. In either case the owner of the Facilities shall submit a written instrument, satisfactory in form to City, transferring to the City, or to such Person as directed by the City, ownership of the Facilities. The City may sell, assign, or transfer all or part of the Facilities so transferred.
- (6) The City shall not remove any facilities unless the existence of such facilities prevents or significantly impairs the use, repair, excavation or construction of the ROW. The City shall not remove or seek to possess or transfer the Facilities until thirty (30) days have passed following written notice by the Director to the Person Having Facilities Within The ROW of the City's intent to so act. The Director may choose not to act on good cause shown by the Person Having Facilities Within the ROW.

F. Standards for ROW Work.

- (1) Except for Emergency ROW Work as provided in Section 520.060 (A.1), ROW Work shall be performed only upon issuance and in accordance with the requirements and scope of a ROW Permit. At all times during the work, ROW Permits shall be conspicuously displayed at the work site and shall be available for inspection by the Director. No ROW User shall perform any ROW Work not authorized by a permit.
- (2) If at any time it appears that the duration or scope of the ROW Work is or will become materially different from that allowed by the ROW Permit, the ROW User shall inform the Director. The Director may issue a waiver, an extension or a revised ROW Permit, or require that the ROW User reapply for a ROW Permit in accordance with all requirements of this code.
- (3) ROW Users shall not open or encumber more of the Rights of Way than is reasonably necessary to complete the ROW Work in the most expeditious manner or allow excavations to remain open longer than is necessary to complete the work.
 - (a) No ROW Work shall extend beyond the centerline of the street before being backfilled or the surface of the street temporarily restored in a manner satisfactory to the Director.
 - (b) No ROW Work shall prevent the reasonable use of such street by the public or cause substantial hazards.
 - (c) All ROW Work that affects vehicular or pedestrian traffic shall be properly signed, barricaded, and otherwise protected at the ROW User's expense. The ROW User shall be responsible for providing adequate traffic control to the area surrounding the work as determined by the Director.
 - (d) The ROW User shall perform the ROW Work at such times that will allow the least interference with the normal flow of traffic and the peace and quiet of the neighborhood, as permitted by the Director. Unless otherwise provided by the Director in the Permit, non-Emergency ROW Work on arterial and

collector streets may not be accomplished during the hours of 7:00 a.m. to 8:30 a.m. and 4:00 p.m. to 6:00 p.m. in order to minimize disruption of traffic flow.

(4) Excavations.

- (a) No ROW User shall make or cause to be made any excavation in any ROW without adequately protecting the same by erecting such fencing or other barriers as the Director deems adequate to prevent persons, animals or vehicles from falling into said excavation. Said barriers may include warning signs by day and red torches or their equivalent by night, which shall be placed and maintained around any such excavation as to give reasonable notice and warning to any person approaching such excavation from any direction. The Director may require additional safety regulations a may be in conformity with the requirements of federal or state law or regulation.
- (b) Excavated materials shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to public travel. In order to expedite the flow of traffic or to abate a dirt or dust nuisance, the Director may require the ROW User to provide toe boards or bins; and if the excavated area is muddy and causes inconvenience to pedestrians, temporary wooden plank walks, footbridges, or coverings shall be installed as required by the Director. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, the ROW User shall keep a passageway at least one-half ($\frac{1}{2}$) the sidewalk width open along such sidewalk line.
- (c) When any earth, gravel or other excavated material is caused to roll, flow or wash upon any street, the ROW User shall cause the same to be removed from the street within four (4) hours after deposit.

(5) Notice.

- (a) The ROW User shall notify the City no less than three (3) working days in advance of any ROW Work that would require any street closure or would reduce traffic flow to less than two (2) lanes of moving traffic for more than four (4) hours. Except in the event of Emergency ROW Work, no such closure shall take place without notice and prior authorization from the City.
 - (b) The ROW User shall provide written notice to all property owners within one hundred and eighty-five (185) feet of the site at least 48 hours prior to performing the ROW Work. Notice shall include a reasonably detailed description of work to be done, the location of work, and the time and duration of the work.
- (6) All ROW Work shall be in accordance with all applicable sections of the Occupational Safety and Health Act of 1970, the National Electrical Safety Code, and other federal, state, or local laws and regulations that may apply, including, without limitation, local health, safety, construction and zoning ordinances, and laws and accepted industry practices, all as hereafter may be amended or adopted. In the event of a conflict among ordinances and standards, the most stringent ordinance or standard shall apply (except insofar as that ordinance or standard, if followed, would result in Facilities that could not meet requirements of federal, state or local law).
- (7) All Facilities shall be installed and located to cause minimum interference with the rights and convenience of property owners, other ROW Users and the City. Facilities shall not be placed where they will disrupt or interfere with other Facilities or public improvements, or obstruct or hinder in any manner the various utilities serving the residents and businesses in the City or public improvements.
- (a) All existing facilities shall be exposed sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary.

- (b) Pipe drains, pipe culverts or other facilities encountered shall be protected by the ROW User.
 - (c) Monuments of concrete, iron or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision or a precise survey reference point or a permanent survey bench mark within the City shall not be removed or disturbed or caused to be removed or disturbed unless permission to do so is first obtained in writing from the Director. Permission shall be granted only upon condition that the ROW User shall pay all expenses incident to the proper replacement of the monument.
- (8) All ROW Work shall be conducted in accordance with good engineering practices, performed by experienced and properly trained personnel so as not to endanger any Person or property or to unreasonably interfere in any manner with the Rights of Ways or legal rights of any property owner, including the City, or unnecessarily hinder or obstruct pedestrian or vehicular traffic.
 - (9) All safety practices required by law shall be used during ROW Work, including commonly accepted methods and devices to prevent failures and accidents that are likely to cause damage, injury, or nuisance to the public.
 - (10) Any contractor or subcontractor of a ROW User must be properly licensed under laws of the state and all applicable local ordinances, and each contractor or subcontractor shall have the same obligations with respect to its work as a ROW User would have pursuant to this Ordinance. A ROW User:
 - (a) must ensure that contractors, subcontractors and all employees performing ROW Work are trained and experienced,
 - (b) shall be responsible for ensuring that all work is performed consistent with the ROW Permit and applicable law,
 - (c) shall be fully responsible for all acts or omissions of contractors or subcontractors,
 - (d) shall be responsible for promptly correcting acts or omissions by any contractor or subcontractor, and
 - (e) shall implement a quality control program to ensure that the work is properly performed.
 - (11) A ROW User shall not place or cause to be placed any sort of signs, advertisements or other extraneous markings on the Facilities or in the ROW, whether relating to the ROW User or any other Person, except such necessary minimal markings approved by the City as necessary to identify the Facilities for service, repair, maintenance or emergency purposes or as may be otherwise required to be affixed by applicable law or regulation.
 - (12) Unless otherwise approved in writing by the City, a ROW User shall not remove, cut, or damage any trees, or their roots, Within the ROW.
 - (13) Street crossings will be bored at the direction of the Director.

G. Restoring and Maintaining the Rights of Way.

- (1) To complete any ROW Work, the ROW User shall restore the ROW and surrounding areas, including but not limited to any pavement, foundation, concrete slabs or curbs, screening, landscaping, or vegetation and shall comply with other reasonable conditions of the Director. Restoration of the ROW shall be completed within the dates specified in the ROW Permit unless the Director issues a waiver, extension or a new or revised ROW Permit.
- (2) It shall be the duty of any Person making an excavation in the ROW to backfill such excavations and restore the surface in accordance with the City's minimum prescribed standards for such surfaces, as may be determined and published by the

Director.

- (3) If a ROW User fails to restore the ROW within the date specified either by the ROW Permit, or any extension thereof as granted by the Director, the City may perform its own restoration. The City may also opt to perform its own restoration regardless of any failure by the ROW User, in which case the ROW Permit, or any amendment or revision thereto, shall note such option. In either event, if the City performs the restoration the ROW User shall be responsible for reimbursing the City's reasonable actual restoration costs within thirty (30) days of invoice.
 - (4) Every ROW User to whom a ROW Permit has been granted shall guarantee for a period of four (4) years the restoration of the ROW in the area where the ROW User conducted excavation. During this period the ROW User shall, upon notification from the Director, correct all restoration work to the extent necessary as required by the Director. Said work shall be completed within a reasonable time, not to exceed thirty (30) calendar days from receipt of the Director's notice unless otherwise permitted by the Director. If a ROW User fails to restore the ROW within the time specified, the City may perform the work and the ROW User shall be responsible for reimbursing the City's reasonable actual restoration costs within thirty days of invoice. The Director may extend the cure period on good cause shown.
 - (5) A ROW User shall not be relieved of the obligation to complete the necessary right-of-way restoration and maintenance because of the existence of any performance bond required by this Ordinance.
- H. After the completion of ROW work the ROW User shall provide to the City as-built drawings, maps or other comparable records as determined by the Director, drawn to scale and certified to the City as reasonably depicting the location of all facilities constructed pursuant to the ROW permit. Such records may be provided to the Director in the form maintained by the ROW User, but when available to the ROW User, shall be submitted in automated formats compatible with the City's systems, such as AUTOCAD.DXF, AUTOCAD.DWG, MICROSTATION.DGN (or comparable as allowed by the Director) or in hard copy otherwise.

Section 520.080. Security Deposit; Bonds; Insurance; Surety; Indemnification; Penalties.

- A. Security Required. A ROW User shall not perform any ROW work without complying with the security requirements of this section.
- B. Security Deposit.
 - (1) A ROW User shall submit a cash deposit in the sum of \$2,000, or other such amount as may be determined by the Director, for any cut to or excavation of the ROW. The deposit shall be to secure the proper restoration of the ROW by the ROW User after completion of the work. Whenever a ROW User applies for more than one cut or excavation, the ROW User may post a single deposit in an amount determined by the Director to cover the anticipated costs of restoration.
 - (2) The Director shall inspect the ROW User's restoration of the ROW for compliance with the City's standards. Upon the ROW User's timely and successful restoration as evidenced by the Director's issuance of a certificate of final inspection, the City shall refund to the ROW User the security deposit.
 - (3) If the ROW User fails to restore the cut or excavation to required standards within a reasonable amount of time, then after notice and a reasonable opportunity to cure the Director may effect the proper restoration of the ROW and the use of the security deposit for such purposes. In this event the City shall be entitled to any damages or loss suffered by the City as a result.
 - (4) If any deposit is less than sufficient to pay the City's costs and damages, the ROW User shall pay to the City an amount equal to the deficiency. If the ROW User fails or refuses to pay such deficiency, the City may institute an action to recover the same in any court of competent jurisdiction and shall be entitled to a reasonable allowance for

attorneys' fees. Until such deficiency is paid in full, no additional permits shall be issued to the ROW User.

C. Performance and Maintenance Bonds.

- (1) For any ROW User having less than twenty-five million dollars (\$25,000,000.00) in net assets and a history of noncompliance with state and local regulations, the Director may, in addition to, in combination, with, or in lieu of the security deposit required, permit a ROW User to establish in the City's favor a performance and maintenance bond in an amount to be determined by the Director to ensure the ROW Work and the restoration of the Right of Way. The bond shall continue in full force and effect for a period of 24 months following completion of the work. The Director shall have the authority to extend the maintenance bond period for up to an additional 24 months.
- (2) If a ROW User fails to complete the ROW Work in a safe, timely, and competent manner, or if the completed restorative work fails without remediation within the time period for the bond (as determined by the Director), then after notice and a reasonable opportunity to cure there shall be recoverable, jointly and severally from the principal and surety of the bond any damages or loss suffered by the City as a result, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the ROW User and the cost of completing work Within or restoring the Rights of Way, plus a reasonable allowance for attorneys' fees, up to the full amount of the bond. The City may also recover against the bond any amount recoverable against a security fund or letter of credit where such amount exceeds that available under a security fund or letter of credit.
- (3) Upon completion of ROW Work to the satisfaction of the Director and upon lapse of the bond period, including any extension by the Director, the City shall release the bond.
- (4) The bond shall be issued by a surety with an "A" or better rating of insurance in Best's Key Rating Guide, Property/Casualty Edition, shall be subject to the approval of the City's attorney and shall contain the following endorsement:

"This bond may not be cancelled, or allowed to lapse, until sixty (60) days after receipt by the City, by certified mail, return receipt requested, of a written notice from the issuer of the bond of intent to cancel or not to renew."
- (5) In lieu of any bond required herein, the ROW User may establish in the City's favor such other security as the Director may determine to be commensurate with the noted bonding requirements, including but not limited to an annual bond to be maintained in the minimum amount of twenty-five thousand dollars (\$25,000.00).

D. Insurance.

- (1) All ROW Users shall maintain, for the duration of any ROW Work and, when applicable, for as long as the ROW User has Facilities Within the Rights of Way, at least the following liability insurance coverage: worker's compensation and employer liability insurance to meet all requirements of Missouri law and commercial general liability insurance with respect to the construction, operation, and maintenance of the Facilities, and the conduct of the ROW User's business in the City, in the minimum amounts of:
 - (a) \$3,000,000 for property damage resulting from any one accident;
 - (b) \$5,000,000 for personal bodily injury or death resulting from any one accident; and
 - (c) \$3,000,000 for all other types of liability.

These insurance requirements shall not be construed to limit the liability of any Person or to impose any liability on the City or to waive any sovereign immunity.

- (2) All insurance policies shall be with sureties qualified to do business in the state of Missouri, with an "A" or better rating of insurance by Best's Key Rating Guide, Property/Casualty Edition, and in a form approved by the City.
- (3) All insurance policies shall be available for review by the City, and a ROW User having Facilities within the Rights of Way shall keep on file with the City current certificates of insurance.
- (4) All general liability insurance policies shall name the City, its officers, boards, board members, commissions, commissioners, agents, and employees as additional insureds and shall further provide that any cancellation or reduction in coverage shall not be effective unless thirty (30) days' prior written notice thereof has been given to the Director. A ROW User shall not cancel any required insurance policy without submission of proof that it has obtained alternative insurance that complies with this Ordinance.
- (5) The Director may exempt in writing from these insurance requirements any self-insured ROW User, provided that the ROW User demonstrates to the Director's satisfaction that the ROW User's self-insurance plan is commensurate with said requirements and that the ROW User has sufficient resources to meet all potential risks, liabilities and obligations contemplated by the requirements of this Ordinance. The Director may require a security fund or letter of credit as a condition to a self-insured's exemption. The Director shall waive this requirement when the ROW User has twenty-five million dollars (\$25,000,000.00) in net assets and does not have a history of noncompliance with applicable regulatory law.

E. Indemnification.

- (1) Any ROW User granted a ROW Permit, and any Person Having Facilities Within the Rights of Way, as partial consideration for the privilege granted, shall, at its sole cost and expense, indemnify, hold harmless, and defend the City, its officials, boards, board members, commissions, commissioners, agents, and employees, against any and all claims, suits, causes of action, proceedings, and judgments for damages or equitable relief arising out of (i) any ROW Work, including but not limited to the construction, maintenance, repair, or replacement of the of Facilities, (ii) the operation of its Facilities, (iii) failure to secure consents from landowners, or (iv) any actions taken or omissions made by the Person pursuant to the authority of this Ordinance.
- (2) The foregoing indemnity provisions include, but are not limited to, the City's reasonable attorneys' fees incurred in defending against any such claim, suit, or proceeding prior to the Person assuming such defense. The City shall notify a Person of claims and suits within seven (7) business days of its actual knowledge of the existence of such claim, suit, or proceeding. Once a Person assumes such defense, the City may at its option continue to participate in the defense at its own expense.
- (3) Notwithstanding anything to the contrary contained in this Ordinance, the City shall not be so indemnified or reimbursed in relation to any amounts attributable to (i) the City's own negligence, willful misconduct, intentional or criminal acts, or (ii) the City acting in a proprietary capacity to deliver Service(s) within the City.
- (4) Recovery by the City of any amounts under insurance, a performance bond, or otherwise does not limit a Person's duty to indemnify the City in any way; nor shall such recovery relieve a Person of amounts owed to the City, or in any respect prevent the City from exercising any other right or remedy it may have.

F. Principal's Responsibility.

Notwithstanding anything in this Code to the contrary, a Person Having Facilities Within the ROW shall be responsible for ensuring the work of any contracted ROW User, including the prompt correction of any contractor error or deficiency, ROW restoration if the contractor is unable or unwilling to perform same to the City's standards, and liability

for damages caused by the contractor.

Section 520.090. Dispute Resolutions, Appeals, and Arbitration.

- A. The Director shall make a final determination as to any matter concerning the grant, denial or revocation of a ROW Permit as provided in this Ordinance. On the request of an Applicant or a ROW User and within a reasonable period of time, the Director also shall make a final determination as to any other issue relating to the use of the ROW, the imposition of any fee or the application of any provision of this Ordinance, provided, however, that this review shall not apply to matters being prosecuted in the municipal court. Any final determination of the Director shall be subject to review as provided herein.
- B. Any Person aggrieved by a final determination of the Director may appeal in writing to the City Manager within five business (5) days thereof. The appeal shall assert specific grounds for review, and the City Manager shall render a decision on the appeal within fifteen (15) business days of receipt affirming, reversing, or modifying the determination of the Director. The City Manager may extend this time period for the purpose of any investigation or hearing deemed necessary. A decision affirming the Director's determination shall be in writing and supported by findings establishing the reasonableness of the decision.
- C. Any Person aggrieved by the final determination of the City Manager may file a petition for review pursuant to Chapter 536 of the Revised Statutes of Missouri, as amended, in the Circuit Court of the County of St. Louis. Such petition shall be filed within thirty (30) days after the City Manager's final determination.
- D. Arbitration and Mediation.
 - (1) On agreement of the parties and in addition to any other remedies, any final decision of the City Manager may be submitted to mediation or binding arbitration.
 - (2) In the event of mediation, the City Manager and the Applicant or ROW User shall agree to a mediator. The costs and fees of the mediator shall be borne equally by the parties, and each party shall pay its own costs, disbursements and attorney fees.
 - (3) In the event of arbitration, the City Manager and the Applicant or ROW User shall agree to a single arbitrator. The costs and fees of the arbitrator shall be borne equally by the parties. If the parties cannot agree on an arbitrator, the matter shall be resolved by a three-person arbitration panel consisting of one arbitrator selected by the City Manager, one arbitrator selected by the Applicant or ROW User, and one person selected by the other two arbitrators, in which case each party shall bear the expense of its own arbitrator and shall jointly and equally bear with the other party the expense of the third arbitrator and of the arbitration. Each party shall also pay its own costs, disbursements and attorney fees.

Section 520.100. Miscellaneous.

- A. Upon failure of a ROW User to commence, pursue or complete any ROW Work required by law or by the provisions of this Ordinance to be done in any street, within the time prescribed and to the reasonable satisfaction of the City, the City may, at its option, after thirty (30) days notice, cause such work to be done and the ROW User shall pay to the City the cost thereof in the itemized amounts reported by the City to the ROW User within thirty (30) days after receipt of such itemized report.
- B. Upon ten (10) days written notice and with the supervision of the City, or as otherwise provided by law, a ROW User shall have the authority to trim trees that overhang Rights of Way of the City so as to prevent the branches of such trees from coming in contact with its Facilities, at its own expense subject to the supervision and direction of the City. Nothing in this paragraph shall authorize the trimming of trees on private property without permission of the property owner. All cut materials shall be properly disposed.
- C. During ROW Work by a ROW User the City shall have the right to install, and to thereafter maintain, at its own cost in any excavation to or other applicable disturbance of the ROW any parallel facilities of its own that do not unreasonably interfere with the operations of other

Facilities.

- D. Nothing in this Ordinance shall be in preference or hindrance to the right of the City and any board, authority, commission or public service corporation of the City to use or occupy the Rights of Way or to perform or carry on any public works or public improvements of any description.

Section 520.110. Penalties.

Any Person convicted of violating any provision of this code shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment. Each day the violation continues may be charged as a separate offense.



**Olivette Residential
Development
Guidelines**

Zoning Ordinance

**Chapter 55
Community Design
Regulations**

**Petition for New
Single-Family Homes**

**List of Minimum
Submission
Standards**

CITY OF OLIVETTE RESIDENTIAL REDEVELOPMENT and DESIGN GUIDELINES

A guide to sustainable residential redevelopment

Adopted by Ordinance No. 2329
Of the Olivette City Council,
November 14, 2006



INTRODUCTION



The City of Olivette was incorporated in 1930 and has served the St. Louis region as a wonderful community to call home. At the time of incorporation, a majority of the existing houses were either traditional farm homes, with a vertical appeal surrounded by acres of wooded fields, or a collection of dense, urban 50 foot wide lots with horizontal bungalows.

During the 1940's and continuing through the national housing boom of the post-war years, Olivette experienced rapid growth. Approximately 73% of the existing housing stock in Olivette was built between 1940 and 1970. Most post-war homes were built on lots of 10,000 square feet or more. They were unique and ample in size given the time period. The homes ranged from 1,200 square feet to about 2,400 square feet. Most can be architecturally classified as "rambler" homes, a one story, horizontal house with a low-pitched roof.

Historically, Olivette was home to many orchards, greenhouses and nurseries. This agrarian history and heritage resulted in many of the post-war subdivisions featuring wooded lots with substantial shade and tree lined streets. This "tree friendly" approach remains a dominant feature of most Olivette neighborhoods today.

There has been another constant that characterizes Olivette – its location. Ever since Olivette marked the center of the trail linking the ferry crossing the Missouri River to St. Charles County and the St. Louis Riverfront, Olivette has been at the very center of the St. Louis region. Our excellent location, fine schools, and excellent neighborhoods have sparked renewed interest in Olivette for residential redevelopment.

The City of Olivette welcomes and embraces this renewed interest in residential redevelopment. The city, however, wishes to foster this new residential redevelopment interest while maintaining the character and cohesiveness of its existing neighborhoods. Today's new homes tend to be quite different from the original housing stock, and in order to both encourage redevelopment and maintain a harmonious balance between the old and the new, the city has prepared this booklet to encourage creative and good design in an effort to preserve the genuine character of existing neighborhoods.

The Olivette Planning and Community Design Commission is in charge of reviewing applications for new single-family homes in Olivette to ensure the architectural compatibility of new homes is balanced with the surrounding appeal and character of our neighborhoods. With the spirit of renewed interest in redevelopment in Olivette, the Olivette Planning and Community Design Commission has prepared this manual to illustrate the primary design issues that are considered during Site Plan and Community Design Review.





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This manual is intended to encourage new home design that will result in greater long-term value and enjoyment, by both the home owner and neighbors.

IDENTIFYING YOUR CONTEXT



Redevelopment occurs within a context. A *context*, as used within this manual, is a series of interrelated parts that together create quality residential environments.

Good design principles dictate that when designing within the residential environment, consideration of four basic parts of the overall context can make a significant difference. The four basic parts of the residential context this manual focuses on are:

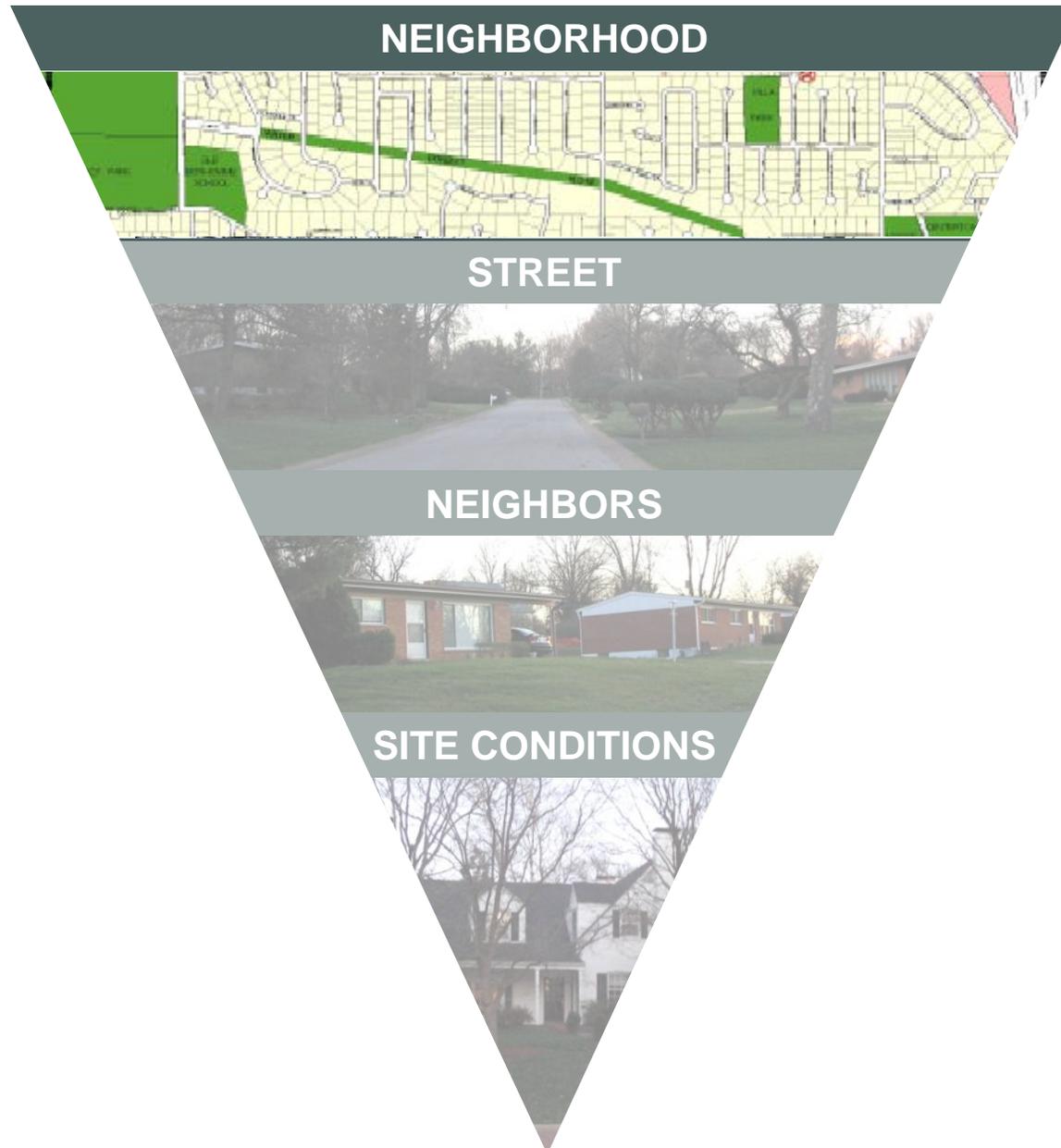
- (1) neighborhood,
- (2) street,
- (3) neighbors, and
- (4) site conditions.



IDENTIFYING YOUR CONTEXT: STEP 1 –Understand Your Neighborhood



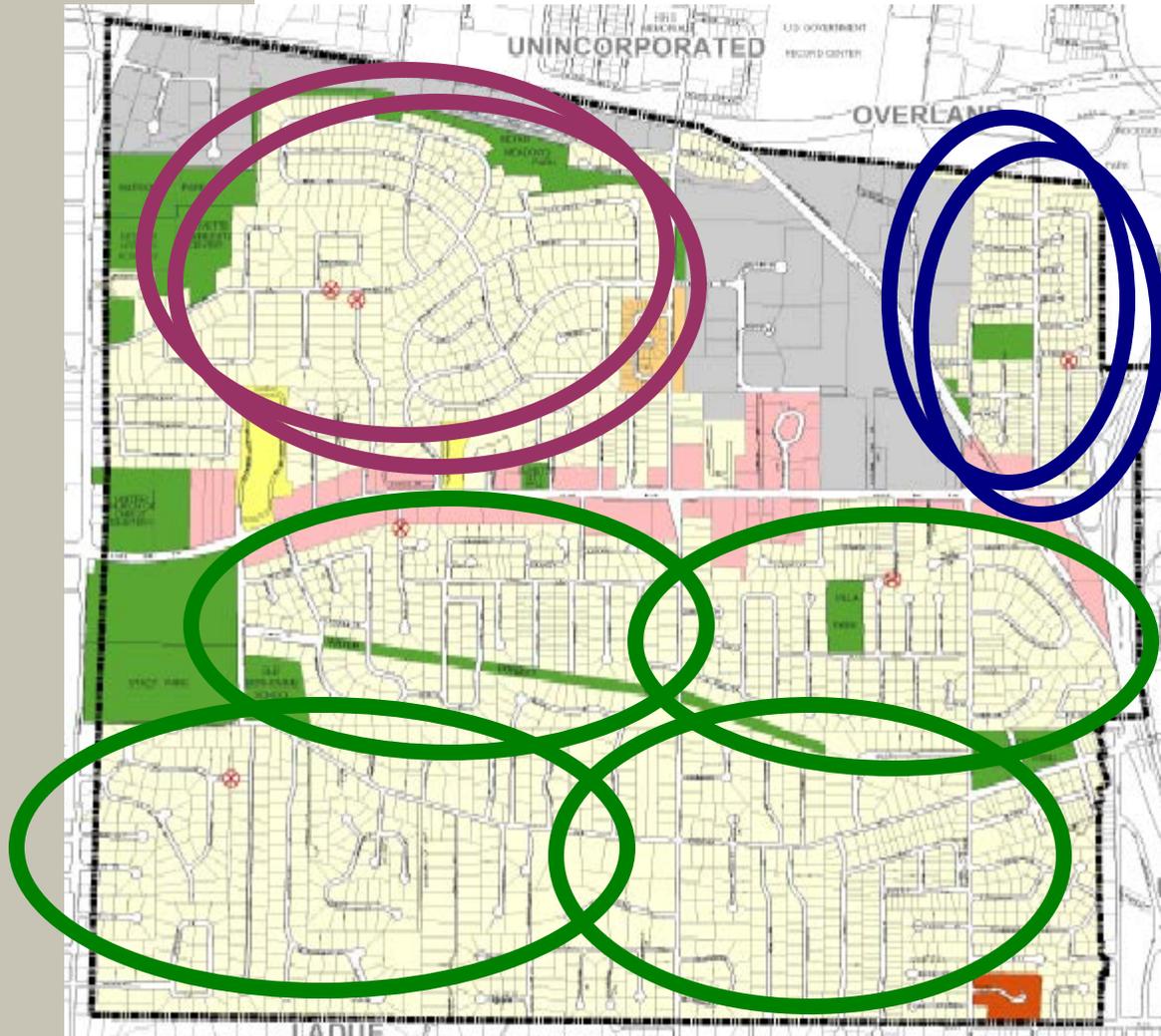
The first necessary step in considering a design for a new home is to understand your new neighborhood. A substantial part of the appeal of Olivette is its many strong neighborhoods. Each area has its own distinct and unique character and qualities. Begin by identifying the characteristics of your neighborhood. Make sure that the design features of your new home complement and fit into the neighborhood context.





Step 1: Understand Your Neighborhood

Each of Olivette's many neighborhoods is unique and valuable. Three of the major areas are described here.



Northeast

Area 1 is situated to the north of Olive Boulevard near I-170. It consists of pre war bungalows and post-war ranch single-family homes of 1,000 to 2,000 square feet.

Northwest

Area 2 consists mostly of the Indian Meadows neighborhood and also extends west to include several neighborhoods accessed from Grandview Drive. Most homes are post-war rambler homes with carports about 1,200 square feet to 2,200 square feet.

South

Area 3 includes many different types of neighborhoods on the south side of Olive Boulevard. There is great architectural diversity between neighborhoods. This area also includes some of the City's oldest housing stock and some of the newest housing developments.



Understand the character of your neighborhood before you decide on your house design.

Step 1: Understand Your Neighborhood



The answers to the following questions will help you determine the characteristics that define the identity and distinct appeal of your neighborhood. Remember, good design takes into account prevailing neighborhood features.

What are the boundaries of the neighborhood? (streets, parks, creeks, etc.)

What type of development is the neighborhood and when was it built? (subdivision, eclectic, historic homes, etc.)

What are the zoning designations / limitations? (setbacks, uses, etc.)

How have the streets and lots been organized? (square, irregular, winding, etc.)

What characterizes the streetscape? (horizontal, vertical, trees, sidewalks, etc.)

How many floors do most homes in this neighborhood have? (1, 1 ½, 2, more)

What are the predominant materials used in the neighborhood? (brick, siding, stone, stucco)

What are the predominant roof lines, pitches, eaves, etc.? (1,2,3 ridges, steep or shallow pitch, deep or shallow eaves, etc.)

Is the neighborhood wooded, with substantial shade? (predominant tree stock, shade affecting street, adjacent properties, etc.)

STEP 2 – Understand Your Street



The character of your street is the next crucial part of the context you must identify and understand. A good design will consider the street at two levels, site plan and elevation.





Step 2: Understand Your Street



The following questions will help you understand the qualities of your street that should be respected.

How old are the houses on your street? What percentage, if any, have been redeveloped or rehabilitated?

Is your street the same as others in your neighborhood or is it unique in some way?

What vertical pattern or predominant theme is formed by the roof heights on the street?

What architectural features do you see repeated? (porches, dormers, window patterns, front door treatment, etc.)

How are garages treated? (Attached, Detached, Recessed, Side Entry, etc.)

Where are garages located? (along the front, side or rear)

How are the homes aligned along the streetscape? (single line, diversity of setbacks, protruding fronts and elevations, etc.)

What is the dominant elevation along the street? (the main home footprint, the entry porch, garage, etc.)

What landscaping features characterize the street? (tree types, maturity of trees, amount of shade, variety, spacing, bushes, etc.)

The streetscape will help you identify the pattern of houses that line the street.

Streetscape is most simply described as the visual appearance of the homes and landscaping on a street.

Elements include:

- Setbacks of buildings
- Height of structures
- Building materials
- Pattern of roof lines
- Pedestrian entryways
- Orientation of garages
- Location of driveways
- Street Trees and landscaping

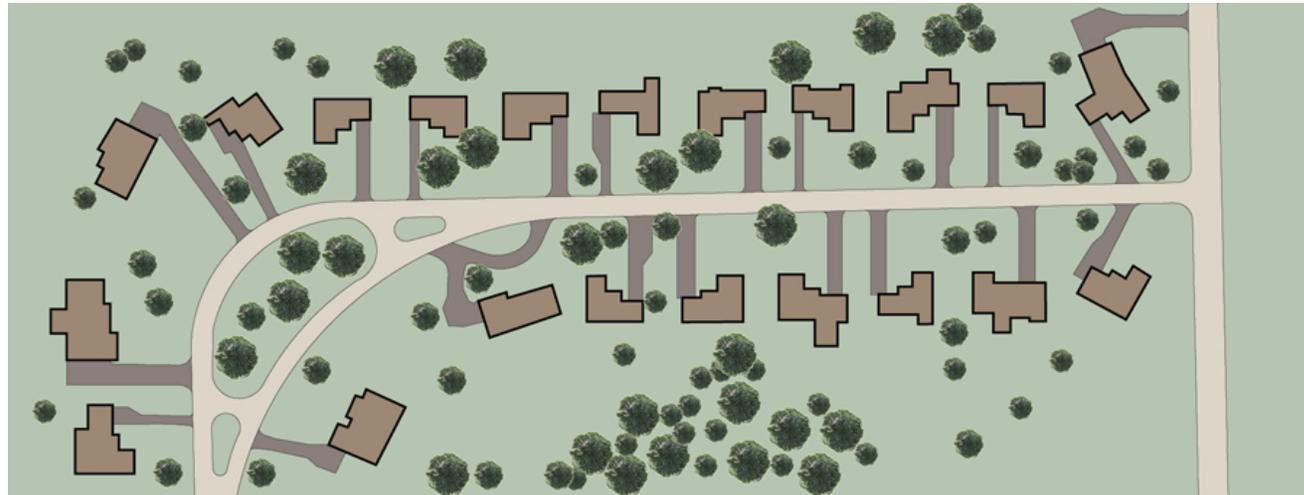


Step 2: Understand Your Street



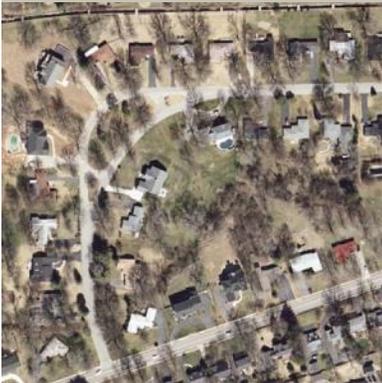
Identifying Street Characteristics

Olivette has setback requirements, but we also require that new homes respect the prevailing setbacks of other homes on the street. Our homes generally are set further back on the site, creating a very open and spacious views down the street. Many of our existing homes have front entry garages but only have one or two doors. Today, when garages are often much larger, we prefer that they not become a dominant feature from the street.



Easy Tools:

An aerial view of your street can help identify street conditions that you need to respect. Maps like this one can be found at www.mapquest.com, www.terraserver.com and www.co.st-louis.mo.us. All you need is your address!



Maintaining Harmony

A crucial element of good design is harmony. Make sure your new home is in harmony with the character of your street. This means you should not build a house that is radically different in terms of roof line, roof pitch, building height, garage projection, garage size, building materials, design elements, etc. Work hard to make sure your new home is a *PART* of your street, and don't build a home that is in stark contrast to those of your neighbors'.

STEP 3 – Respect Your Neighbors



By following good design principles, you can make your new home a great asset to your new neighborhood. To do so, you must respect the architectural qualities of your neighbors' homes.

Make sure you make every effort to design a home that does not dominate or overshadow your neighbors' home. A new home site should not be mounded, nor should a new houses tower over a neighbor's house.





Step 3: Respect Your Neighbors

Your project will affect your neighbors immediately. The following questions will help you identify qualities in the adjacent homes that must be respected.

What type of home sits on either side of your property? (ranch, two story, split-level, age, condition)

What characterizes the roof lines and slopes of the homes on both sides of your property? (multiple ridges, steep or shallow slope)

How are driveways, turnarounds, and garages situated for your neighbors?

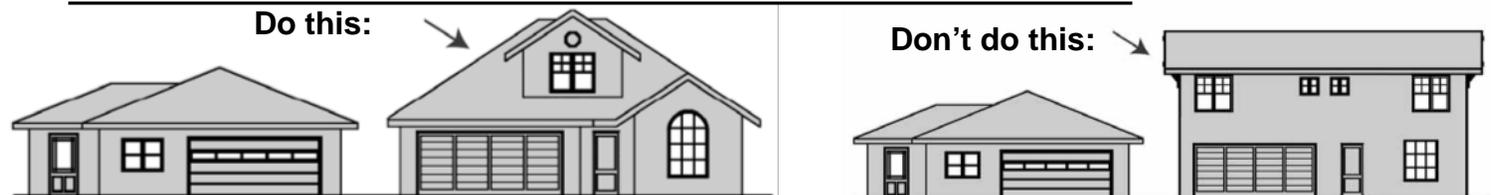
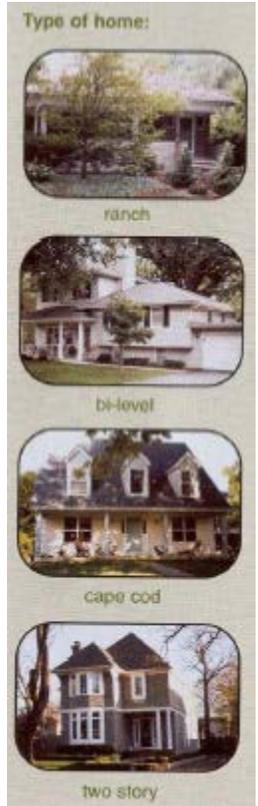
How are the homes situated on their properties? (close to the street, far away, further to one side, centered, etc.)

What landscape features are adjacent to your property, and do landscape features on your property affect your neighbors? (shade trees, etc.)

What materials are used on your neighbor's homes?

What special or unique features are worth repeating?

What elements in your home are designed to recognize and respect the size and height of your neighbors' homes?





IDENTIFYING YOUR CONTEXT: STEP 3 – Design A Home to Fit Your Site, Not A Site To Fit Your Home

NEIGHBORHOOD



STREET



NEIGHBORS



SITE CONDITIONS



No two sites are exactly the same. Since Olivette is an established community, new homes will be built on sites that cannot be significantly changed or modified without adversely impacting adjacent properties

Your new home must be designed to fit into existing site conditions. Given Olivette's character and lot sizes, there is not much room to change a site without affecting those around you.

Never artificially mound a site or substantially regrade a site to fit a house. Design a home to fit your site, not a site to fit your home.



Mounding

Changes to the existing natural terrain through grading should be kept to a minimum to preserve the inherent characteristics of the site.

Grading should be kept to a minimum and should be performed in a way that respects significant natural features and blends visually with adjacent properties. Building pads should disturb natural contours as little as possible. Balanced cut and fill volumes are desirable, and alterations to natural land forms should be minimized. Factors to be considered in the development of a grading plan are:

- The natural features of the site;
- Slope and soil characteristics;
- Vegetative cover;
- Access to the site;
- Drainage;
- Orientation and visibility of both the site and the proposed development; and
- Drainage.

CITY OF OLIVETTE

PLANNING AND COMMUNITY DESIGN COMMISSION

Step 4: Site Conditions

The answers to these questions will help you determine the site conditions of your lot and that of the overall neighborhood. Remember, good design includes taking into account and building within existing site conditions.

What is the existing topography of the site? (flat, sloped, etc.)

Does the design of the home fit the conditions of the lot described above or is substantial alteration necessary to fit the home? (the topography is flat and the home needs no adjustment, the topography is sloped and the home has been adjusted and stepped to conform with the existing topographical conditions, etc.)

Where does the a majority of the stormwater on the site drain? (to the street, property corner, etc.)

How are adjacent lots graded? (flat, mounded,stepped, etc.)

How many sizable trees are on the lot? (1, 2, 3, etc.)

Where is the highest point on the lot? (by the street, rear corner, etc.)

What is the elevation of the sewer lateral and what is the elevation of the basement floor? (is there enough fall between the two, will there be a grinder pump, etc.)

Where do the downspouts drain? (drain to street, drain to swale, etc.) **Are the downspout release points at least 10 feet from the property line, including the street?**

Is the existing site properly graded? Or does runoff from the existing site create standing water or problems for your neighbors?



DESIGN PRINCIPLES: Elements to be Reviewed

Architectural design is a combination of art and science. These guidelines are neither permissive, nor prohibitive. While they express the principles we want you to consider for your house, they are intended as a starting point for creative and diverse design. Some design elements may work well in one context, but not work in another. A house design is not judged solely on the basis of conformity to the guidelines, but how well all of the design elements combine and work together in the context of your site, your street and your neighborhood.

An important part of the City's review and approval of new homes relates to elements of design. There aren't always clear rules telling us what "good" design looks like, and it is hard to explain the design principles the City wants to encourage in words alone. But there are common design elements that provide for compatibility with existing neighborhoods.

The following pages explain and illustrate what the City of Olivette desires to encourage in the design of new homes. The City's evaluation of the proposed design of your new home will generally focus on the elements described in the next seven pages.

Please understand that other elements may also be considered in accord with the guidelines about neighborhood, street, neighbors and site already explained.





Massing



Principles to Design By...

The appeal of Olivette has been the strength and character of our neighborhoods. The strength of these neighborhoods lies in the architectural relationships between each home. When one home dominates another in sheer size and shape, the character of the neighborhood is weakened.

Consider the following elements in addressing mass:

Building height

Building width

Breaks in building plane

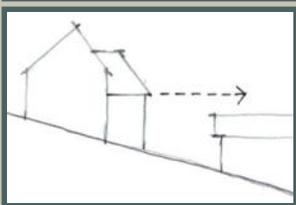
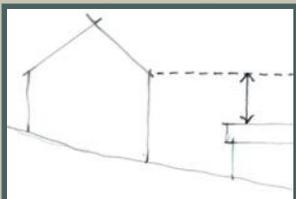
Window treatment

Use of material

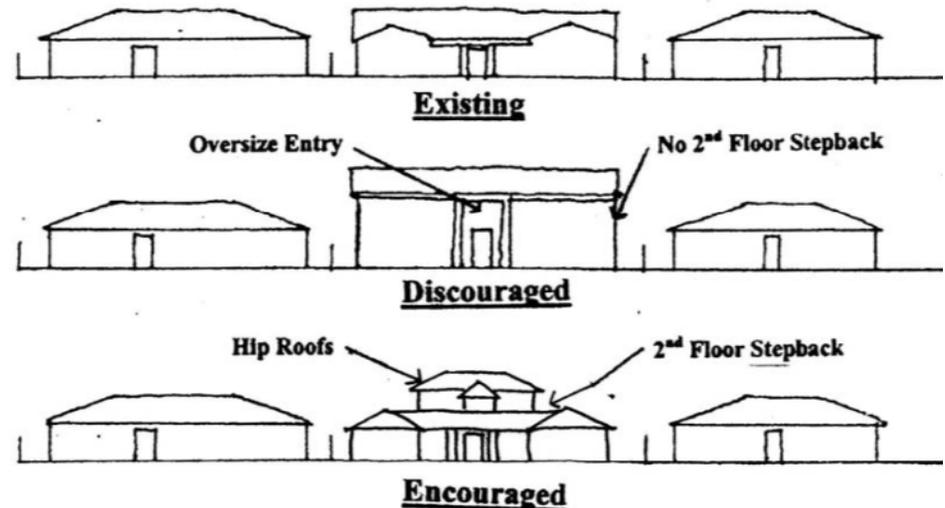
Roof proportions

Architectural Detail

Site grading

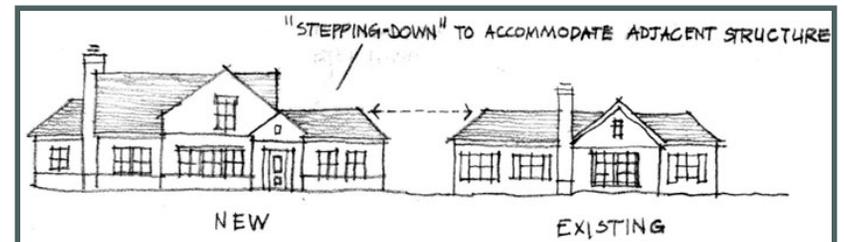
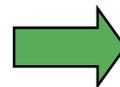


Relationship to Neighbors Break down the mass of your home to avoid towering over your neighbors



Step down the rooflines

When you respect the height of adjacent homes, your home looks better and your neighbors won't feel overshadowed. The example shown below illustrates a desirable approach.



“Mass” does not simply mean size, though the size of your new home is an important element. Mass, more importantly, refers to the appearance of your new home as compared to your neighbors. The design of your new home should not dominate, tower above or overshadow your neighbors.



Roofs



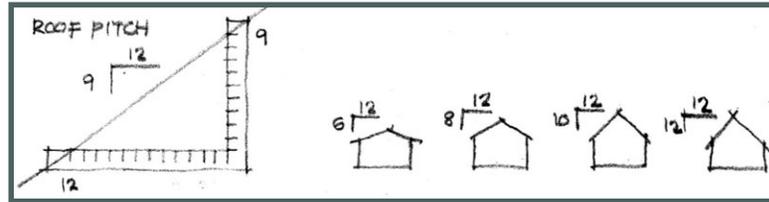
Principles to Design By...

Your rooflines should not be the dominating architectural theme of your new home. Instead, the roof line can be used to help your home **harmonize** with the roof patterns of the street without calling attention to itself.

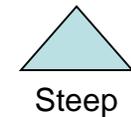
Many of our neighborhoods have homes with shallow roof pitches. A new home with a steep roof pitch can really stand out. It is the intent of the Commission to ensure that rooflines do not detract from the overall streetscape. **The primary roof pitch of the new home shall not be greater than twice the roof pitch of any adjacent home and shall not exceed a 10:12 pitch.**

Consider the following elements of roof design:

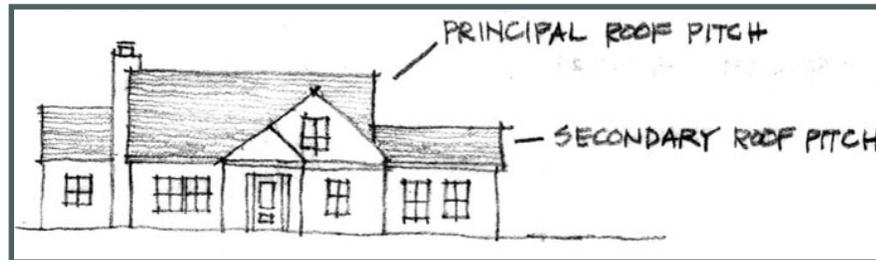
- Roof pitch
- Principal roof pitch
- Secondary roof pitches
- Edge treatment
- Gables
- Predominant roof pitch in the neighborhood
- Roof patterns in the neighborhood



Roof pitch: The angle or "pitch" of a roof is expressed in inches of rise (vertical) for every 12 inches of run (horizontal).



Less vertical expression compared to a more desirable expression next to a one-story home





Garages

Principles to Design By...

Much of the original housing stock in Olivette was constructed with a single car garage or carport aligned with the main building plane or behind the front elevation. Understanding that the modern day family has at least two vehicles, the design for indoor off-street parking should be sensitive to the fact that garages in Olivette are not necessarily the dominate architectural feature of a building elevation and do not necessarily dominant the streetscape of a neighborhood.

Oversized garages, front entry garages and double width garage doors call negative attention to a home. Even more so, a garage that projects beyond the main front building plane towards the street centers attention on the garage and not the home.

During the Community Design review, it is a priority of the Commission to ensure that the garage is not the primary architectural feature of any elevation, and that the garage does not detract from the general streetscape. **Any projection of a garage 15-feet or more beyond the main front building plane is discouraged.**



What to do with the cars?

Garages are for storing cars, tools and lawn equipment. A well designed home does not have the primary architectural feature a garage projection or door. Instead, place your garage around back and show off your beautiful home instead!

Consider the following elements of garage design:

Building setback

Street entry

Side entry

Garage door face

Number of garage doors

Overall mass, size and placement of the garage compared to the rest of home

Predominate garage types in the neighborhood

Garage layouts in the neighborhood

Encouraged

Recessed Front Entry Garage



Front Entry Garage



Rear/Side Entry Garage



Discouraged

Protruding Garages





Elevation Articulation



Principles to Design By...

A good home design pays equal attention to all four building elevations: the front, two sides and rear.

Consider the following elements when designing an elevation:

Building width

Building articulation

Building mass

Avoid the void

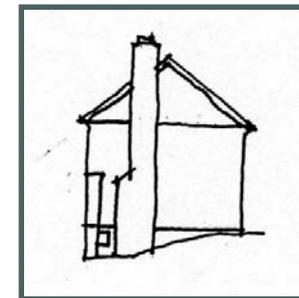
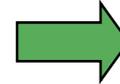
Ban the bland

Keep all four sides interesting

Design a home on all sides

Side and Rear Elevations

You don't see the sides or back of your home from inside your house, but your neighbors DO! Remember to address basic design on the sides and rear of your home. **Good architectural design includes design features and articulation – walls that include elements of architectural interest, not a blank wall.**



No Articulation

The appearance of your new home at each elevation is an important element in good design. Good design principles dictate that your new home provides elevations on all sides that help foster a sense of community and respect for your new neighbors.



Materials



Principles to Design By...

To reflect the quality of our communities we expect building materials to be of the highest quality, reflecting the material use and patterns of the neighborhood.

We prefer to see and routinely favor an elegant, well-considered palette of materials that reflects the proportion and use of materials used in the neighborhood.

Consider the following elements when considering building materials:

Brick and stone (or high quality substitutes)

Siding, including wood or aggregate substitutes such as hardi-plank, or restoration grade vinyl profiles *may be acceptable*

Painted wood trim

Elegant Use of Materials

Limiting the number of materials makes it easier to harmonize colors and textures.



Complex Use of Materials

The more materials you use, the harder it is to make them look good together.





Site and Grading

We consider the following elements of a site design:

- Topography
- Top of foundation
- Avoid mounding
- Storm-water discharge
- Existing and proposed grades
- Proposed Downspouts
- Neighboring property lines
- Street accessibility
- Landscaping, trees and shading
- Tree preservation

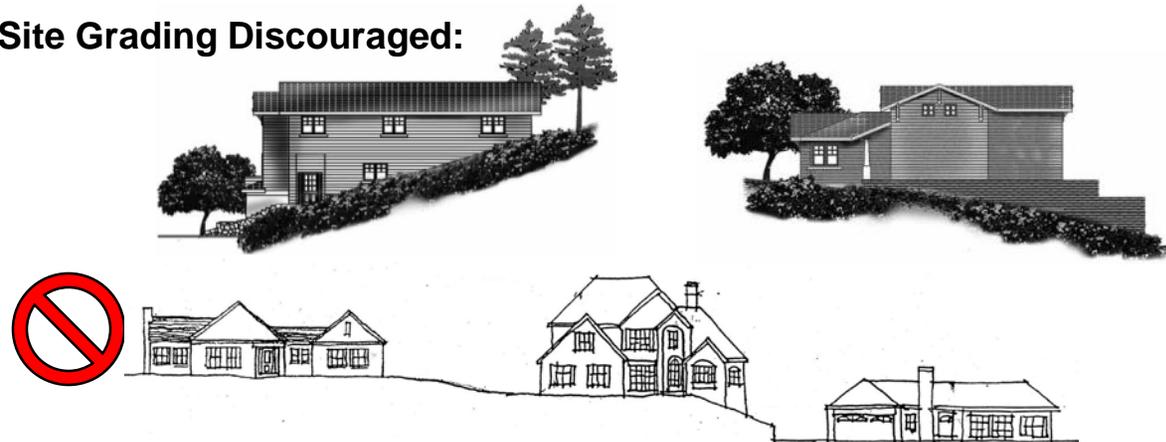
Principles to Design By...

You should expect to address, and hopefully solve, site drainage problems that already exist. Ignoring drainage patterns or increasing the amount or velocity of storm-water runoff to adjacent properties is not acceptable.

Site Grading Encouraged:



Site Grading Discouraged:



Remember, good design means taking advantage of existing grades. Too much grading on a site can alter the character of a lot and severely and negatively affect neighbors.

Do design your house for the lot.
Don't alter the lot for the house.

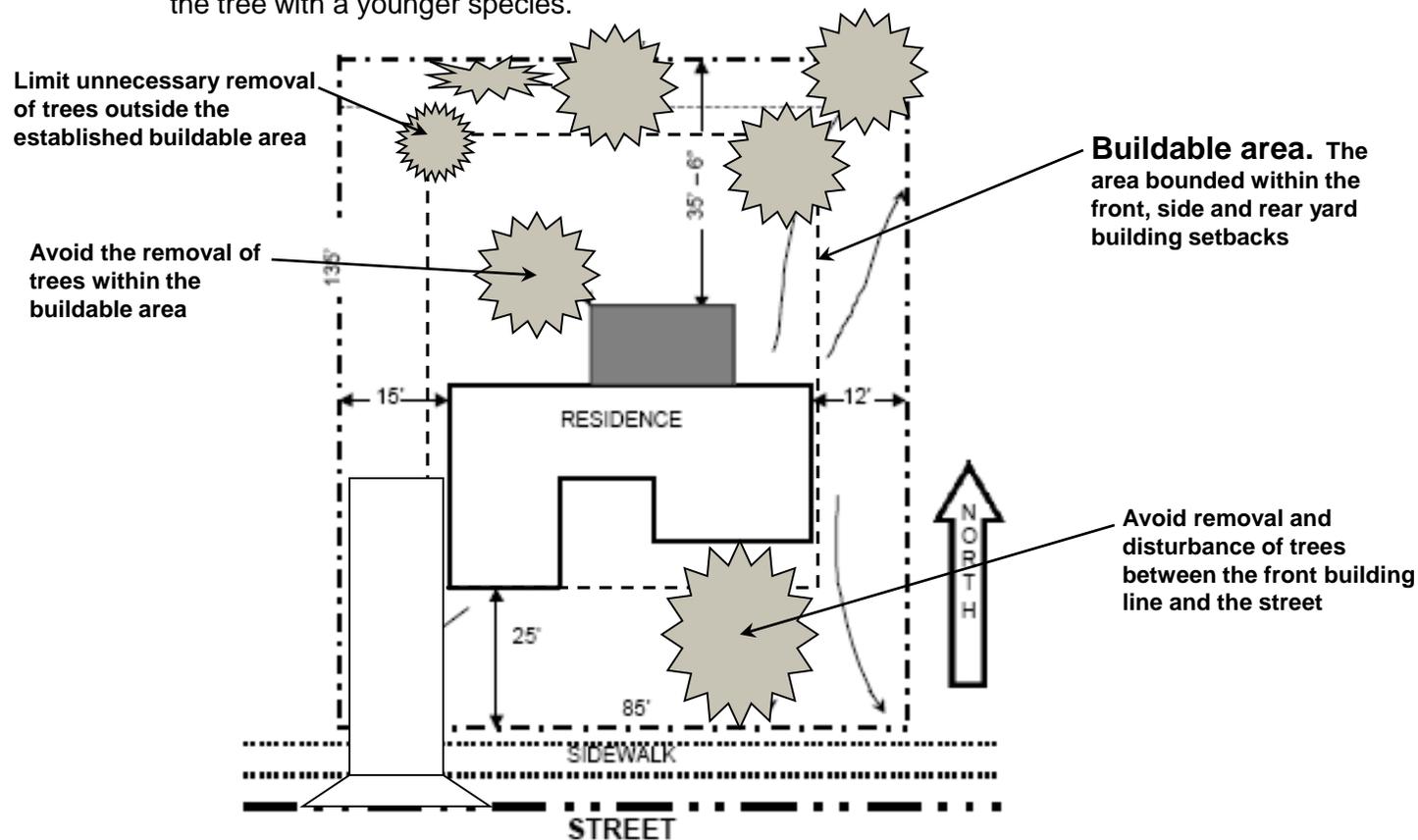


Tree Preservation

Principles to Design By...

One of the many unique qualities of Olivette's residential neighborhoods and residential streets are the proliferation of countless varieties of mature trees and their spanning canopies arching over streets and yards. When designing your home, consider the location of the home on the lot and limit the unnecessary removal of mature trees. Consider the following four principles as you configure the placement of your home and the grading of your lot:

1. Try to avoid mature trees within the buildable area established by the zoning district. The buildable area is the area bounded within the front, side and rear yard setbacks.
2. Avoid the removal of trees and disturbing the ground area within a tree drip line/canopy between the front building line and street.
3. Limit the unnecessary removal of trees outside the buildable area established by the zoning district.
4. If removing a tree outside the buildable area established by the zoning district, consider replacement of the tree with a younger species.



Assess the health of trees on your property.

Trees add value to property and are an essential element in preserving a neighborhood's overall character.

Unhealthy trees deter from the value of property and pose a public hazard.

Avoid unnecessary damage to trees during construction. Trees should be marked and fence enclosed. Periodically inspect the fence enclosures throughout the construction process to limit damage.



Review Process

Requirements:

Before submitting a petition for a new single family home, make sure you review the following items:

1. Olivette Residential Development Guidelines
2. Zoning Ordinance
3. Chapter 55 Community Design
4. Petition application for New Single Family Homes.
5. List of Minimum Submission Standards for PCDC Review

Also, don't forget to notify and contact adjacent neighbors and your subdivision's trustees.

Schedule of PCDC: The Planning and Community Design Commission reviews new home petitions on the third Thursday of each month. Deadline for submission is thirty (30) days prior to a scheduled meeting.

Review: Once a petition is received, staff will review the petition for completeness and provide the petitioner general comments regarding zoning compliance and design. Incomplete petitions shall be returned without review and resubmission shall be necessary.

If the petition is deemed complete by staff, the petitioner will have ten days to resubmit revised plans addressing staff's issues. Revised petitions will be placed on the Commission docket for review.

The Commission has sixty (60) days to take action on a petition approved by staff. If the Commission does not act within sixty (60) days, the petition is deemed automatically approved.

Approval: Once a petition has been approved by the Commission, an application for a building permit may be submitted. Applications may include demolition and new home construction. Building permits generally take ten (10) working days for initial review. All comments are forwarded to the architect of record on the plans received.





**Olivette Residential
Redevelopment and
Development
Guidelines**

Zoning Ordinance

**Community Design
Regulations**

**Petition for
Community Design
Review**

**List of Minimum
Submission
Standards**

CITY OF OLIVETTE
PLANNING AND COMMUNITY
DESIGN COMMISSION

CITY OF OLIVETTE RESIDENTIAL REDEVELOPMENT and DESIGN GUIDELINES

A guide to sustainable residential redevelopment

Adopted by Ordinance No. 2329
Of the Olivette City Council,
November 14, 2006



INTRODUCTION

The City of Olivette was incorporated in 1930 and has served the St. Louis region as a wonderful community to call home. At the time of incorporation, a majority of the existing houses were either traditional farm homes, with a vertical appeal surrounded by acres of wooded fields, or a collection of dense, urban 50 foot wide lots with horizontal bungalows.

During the 1940's and continuing through the national housing boom of the post-war years, Olivette experienced rapid growth. Approximately 73% of the existing housing stock in Olivette was built between 1940 and 1970. Most post-war homes were built on lots of 10,000 square feet or more. They were unique and ample in size given the time period. The homes ranged from 1,200 square feet to about 2,400 square feet. Most can be architecturally classified as "rambler" homes, a one story, horizontal house with a low-pitched roof.

Historically, Olivette was home to many orchards, greenhouses and nurseries. This agrarian history and heritage resulted in many of the post-war subdivisions featuring wooded lots with substantial shade and tree lined streets. This "tree friendly" approach remains a dominant feature of most Olivette neighborhoods today.

There has been another constant that characterizes Olivette – its location. Ever since Olivette marked the center of the trail linking the ferry crossing the Missouri River to St. Charles County and the St. Louis Riverfront, Olivette has been at the very center of the St. Louis region. Our excellent location, fine schools, and excellent neighborhoods have sparked renewed interest in Olivette for residential redevelopment.

The City of Olivette welcomes and embraces this renewed interest in residential redevelopment. The city, however, wishes to foster this new residential redevelopment interest while maintaining the character and cohesiveness of its existing neighborhoods. Today's new homes tend to be quite different from the original housing stock, and in order to both encourage redevelopment and maintain a harmonious balance between the old and the new, the city has prepared this booklet to encourage creative and good design in an effort to preserve the genuine character of existing neighborhoods.

The Olivette Planning and Community Design Commission is in charge of reviewing applications for new single-family homes in Olivette to ensure the architectural compatibility of new homes is balanced with the surrounding appeal and character of our neighborhoods. With the spirit of renewed interest in redevelopment in Olivette, the Olivette Planning and Community Design Commission has prepared this manual to illustrate the primary design issues that are considered during Site Plan and Community Design Review.





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This manual is intended to encourage new home design that will result in greater long-term value and enjoyment, by both the home owner and neighbors.

IDENTIFYING YOUR CONTEXT



Redevelopment occurs within a context. A *context*, as used within this manual, is a series of interrelated parts that together create quality residential environments.

Good design principles dictate that when designing within the residential environment, consideration of four basic parts of the overall context can make a significant difference. The four basic parts of the residential context this manual focuses on are:

- (1) neighborhood,
- (2) street,
- (3) neighbors, and
- (4) site conditions.



IDENTIFYING YOUR CONTEXT: STEP 1 –Understand Your Neighborhood

The first necessary step in considering a design for a new home is to understand your new neighborhood. A substantial part of the appeal of Olivette is its many strong neighborhoods. Each area has its own distinct and unique character and qualities. Begin by identifying the characteristics of your neighborhood. Make sure that the design features of your new home complement and fit into the neighborhood context.

NEIGHBORHOOD



STREET



NEIGHBORS



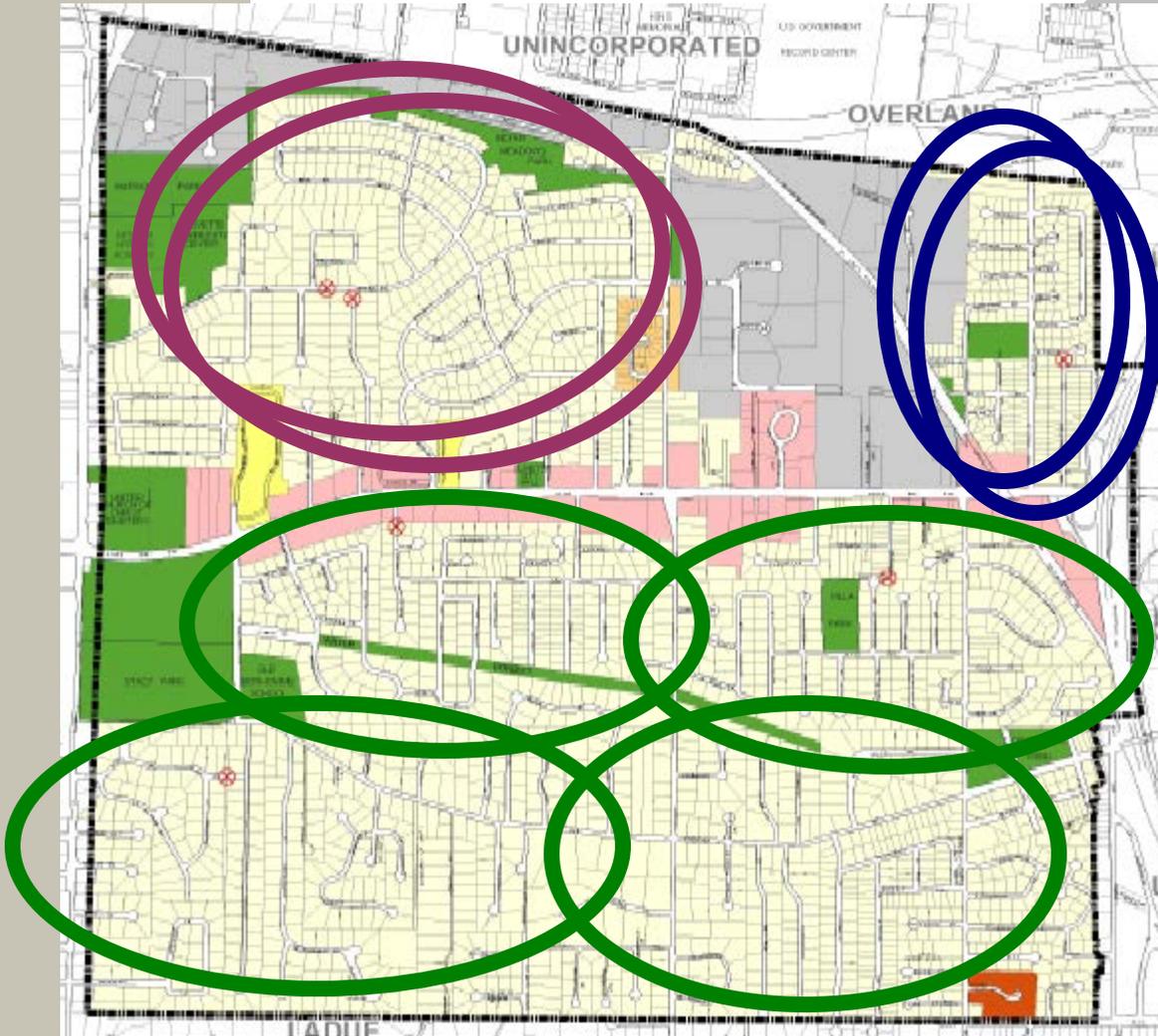
SITE CONDITIONS





Step 1: Understand Your Neighborhood

Each of Olivette's many neighborhoods is unique and valuable. Three of the major areas are described here.



Northeast

Area 1 is situated to the north of Olive Boulevard near I-170. It consists of pre war bungalows and post-war ranch single-family homes of 1,000 to 2,000 square feet.

Northwest

Area 2 consists mostly of the Indian Meadows neighborhood and also extends west to include several neighborhoods accessed from Grandview Drive. Most homes are post-war ramblers with carports about 1,200 square feet to 2,200 square feet.

South

Area 3 includes many different types of neighborhoods on the south side of Olive Boulevard. There is great architectural diversity between neighborhoods. This area also includes some of the City's oldest housing stock and some of the newest housing developments.



Understand the character of your neighborhood before you decide on your house design.

Step 1: Understand Your Neighborhood



The answers to the following questions will help you determine the characteristics that define the identity and distinct appeal of your neighborhood. Remember, good design takes into account prevailing neighborhood features.

What are the boundaries of the neighborhood? (streets, parks, creeks, etc.)

What type of development is the neighborhood and when was it built? (subdivision, eclectic, historic homes, etc.)

What are the zoning designations / limitations? (setbacks, uses, etc.)

How have the streets and lots been organized? (square, irregular, winding, etc.)

What characterizes the streetscape? (horizontal, vertical, trees, sidewalks, etc.)

How many floors do most homes in this neighborhood have? (1, 1 ½, 2, more)

What are the predominant materials used in the neighborhood? (brick, siding, stone, stucco)

What are the predominant roof lines, pitches, eaves, etc.? (1,2,3 ridges, steep or shallow pitch, deep or shallow eaves, etc.)

Is the neighborhood wooded, with substantial shade? (predominant tree stock, shade affecting street, adjacent properties, etc.)

STEP 2 – Understand Your Street



The character of your street is the next crucial part of the context you must identify and understand. A good design will consider the street at two levels, site plan and elevation.

NEIGHBORHOOD



STREET



NEIGHBORS



SITE CONDITIONS





Step 2: Understand Your Street



The following questions will help you understand the qualities of your street that should be respected.

How old are the houses on your street? What percentage, if any, have been redeveloped or rehabilitated?

Is your street the same as others in your neighborhood or is it unique in some way?

What vertical pattern or predominant theme is formed by the roof heights on the street?

What architectural features do you see repeated? (porches, dormers, window patterns, front door treatment, etc.)

How are garages treated? (Attached, Detached, Recessed, Side Entry, etc.)

Where are garages located? (along the front, side or rear)

How are the homes aligned along the streetscape? (single line, diversity of setbacks, protruding fronts and elevations, etc.)

What is the dominant elevation along the street? (the main home footprint, the entry porch, garage, etc.)

What landscaping features characterize the street? (tree types, maturity of trees, amount of shade, variety, spacing, bushes, etc.)

The streetscape will help you identify the pattern of houses that line the street.

Streetscape is most simply described as the visual appearance of the homes and landscaping on a street.

Elements include:

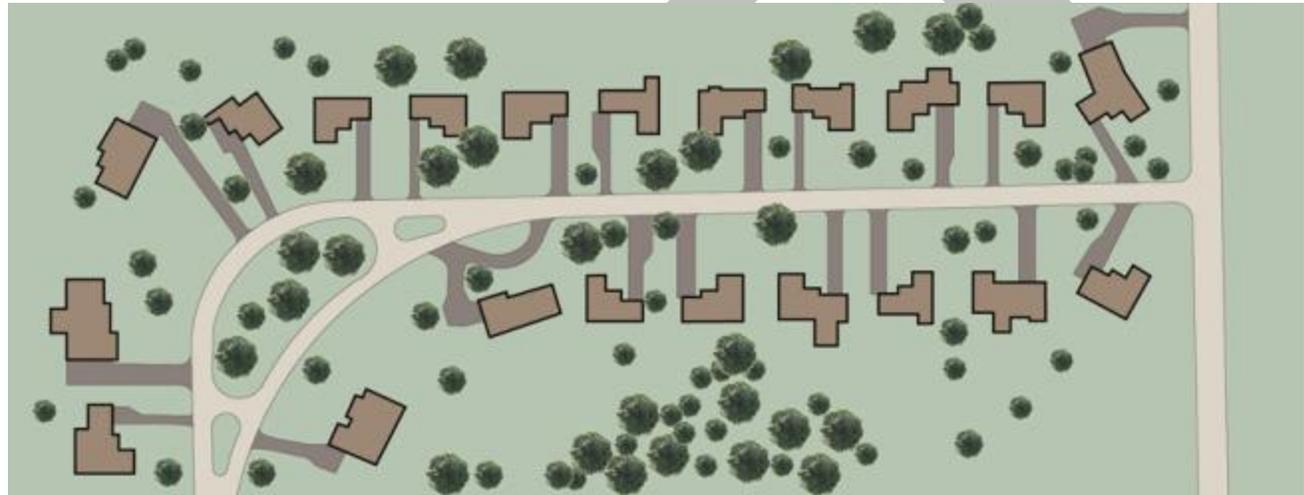
- Setbacks of buildings
- Height of structures
- Building materials
- Pattern of roof lines
- Pedestrian entryways
- Orientation of garages
- Location of driveways
- Street Trees and landscaping



Step 2: Understand Your Street

Identifying Street Characteristics

Olivette has setback requirements, but we also require that new homes respect the prevailing setbacks of other homes on the street. Our homes generally are set further back on the site, creating a very open and spacious views down the street. Many of our existing homes have front entry garages but only have one or two doors. Today, when garages are often much larger, we prefer that they not become a dominant feature from the street.



Easy Tools:

An aerial view of your street can help identify street conditions that you need to respect. Maps like this one can be found at www.mapquest.com, www.terraserver.com and www.co.st-louis.mo.us. All you need is your address!



Maintaining Harmony

A crucial element of good design is harmony. Make sure your new home is in harmony with the character of your street. This means you should not build a house that is radically different in terms of roof line, roof pitch, building height, garage projection, garage size, building materials, design elements, etc. Work hard to make sure your new home is a *PART* of your street, and don't build a home that is in stark contrast to those of your neighbors'.

STEP 3 – Respect Your Neighbors



By following good design principles, you can make your new home a great asset to your new neighborhood. To do so, you must respect the architectural qualities of your neighbors' homes.

Make sure you make every effort to design a home that does not dominate or overshadow your neighbors' home. A new home site should not be mounded, nor should a new houses tower over a neighbor's house.





Step 3: Respect Your Neighbors

Your project will affect your neighbors immediately. The following questions will help you identify qualities in the adjacent homes that must be respected.

What type of home sits on either side of your property? (ranch, two story, split-level, age, condition)

What characterizes the roof lines and slopes of the homes on both sides of your property? (multiple ridges, steep or shallow slope)

How are driveways, turnarounds, and garages situated for your neighbors?

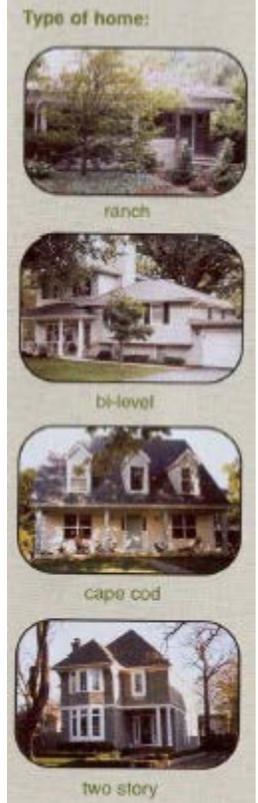
How are the homes situated on their properties? (close to the street, far away, further to one side, centered, etc.)

What landscape features are adjacent to your property, and do landscape features on your property affect your neighbors? (shade trees, etc.)

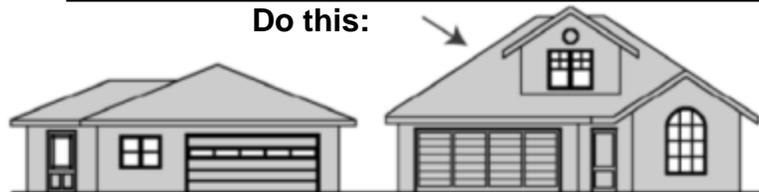
What materials are used on your neighbor's homes?

What special or unique features are worth repeating?

What elements in your home are designed to recognize and respect the size and height of your neighbors' homes?



Do this:



Don't do this:



IDENTIFYING YOUR CONTEXT: STEP 3 – Design A Home to Fit Your Site, Not A Site To Fit Your Home

NEIGHBORHOOD



STREET



NEIGHBORS



SITE CONDITIONS



No two sites are exactly the same. Since Olivette is an established community, new homes will be built on sites that cannot be significantly changed or modified without adversely impacting adjacent properties

Your new home must be designed to fit into existing site conditions. Given Olivette's character and lot sizes, there is not much room to change a site without affecting those around you.

Never artificially mound a site or substantially regrade a site to fit a house. Design a home to fit your site, not a site to fit your home.



Step 4: Site Conditions

The answers to these questions will help you determine the site conditions of your lot and that of the overall neighborhood. Remember, good design includes taking into account and building within existing site conditions.

What is the existing topography of the site? (flat, sloped, etc.)

Does the design of the home fit the conditions of the lot described above or is substantial alteration necessary to fit the home? (the topography is flat and the home needs no adjustment, the topography is sloped and the home has been adjusted and stepped to conform with the existing topographical conditions, etc.)

Where does the a majority of the stormwater on the site drain? (to the street, property corner, etc.)

How are adjacent lots graded? (flat, mounded,stepped, etc.)

How many sizable trees are on the lot? (1, 2, 3, etc.)

Where is the highest point on the lot? (by the street, rear corner, etc.)

What is the elevation of the sewer lateral and what is the elevation of the basement floor? (is there enough fall between the two, will there be a grinder pump, etc.)

Where do the downspouts drain? (drain to street, drain to swale, etc.) **Are the downspout release points at least 10 feet from the property line, including the street?**

Is the existing site properly graded? Or does runoff from the existing site create standing water or problems for your neighbors?

Changes to the existing natural terrain through grading should be kept to a minimum to preserve the inherent characteristics of the site.

Grading should be kept to a minimum and should be performed in a way that respects significant natural features and blends visually with adjacent properties. Building pads should disturb natural contours as little as possible. Balanced cut and fill volumes are desirable, and alterations to natural land forms should be minimized. Factors to be considered in the development of a grading plan are:

- The natural features of the site;
- Slope and soil characteristics;
- Vegetative cover;
- Access to the site;
- Drainage;
- Orientation and visibility of both the site and the proposed development; and
- Drainage.

CITY OF OLIVETTE

PLANNING AND COMMUNITY
DESIGN COMMISSION

Architectural design is a combination of art and science. These guidelines are neither permissive, nor prohibitive. While they express the principles we want you to consider for your house, they are intended as a starting point for creative and diverse design. Some design elements may work well in one context, but not work in another. A house design is not judged solely on the basis of conformity to the guidelines, but how well all of the design elements combine and work together in the context of your site, your street and your neighborhood.

An important part of the City's review and approval of new homes relates to elements of design. There aren't always clear rules telling us what "good" design looks like, and it is hard to explain the design principles the City wants to encourage in words alone. But there are common design elements that provide for compatibility with existing neighborhoods.

The following pages explain and illustrate what the City of Olivette desires to encourage in the design of new homes. The City's evaluation of the proposed design of your new home will generally focus on the elements described in the next seven pages.

Please understand that other elements may also be considered in accord with the guidelines about neighborhood, street, neighbors and site already explained.

DESIGN PRINCIPLES: Elements to be Reviewed





Massing



Principles to Design By...

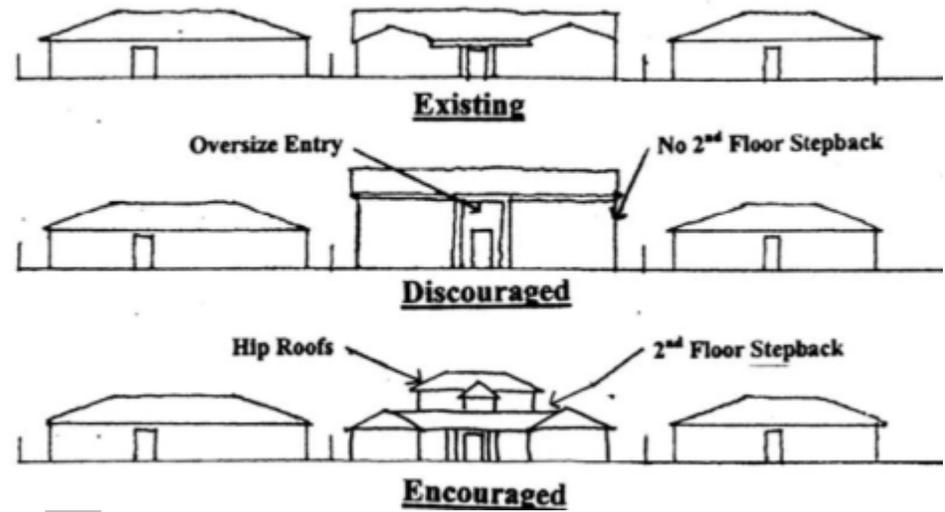
The appeal of Olivette has been the strength and character of our neighborhoods. The strength of these neighborhoods lies in the architectural relationships between each home. When one home dominates another in sheer size and shape, the character of the neighborhood is weakened.

Consider the following elements in addressing mass:

- Building height
- Building width
- Breaks in building plane
- Window treatment
- Use of material
- Roof proportions
- Architectural Detail
- Site grading

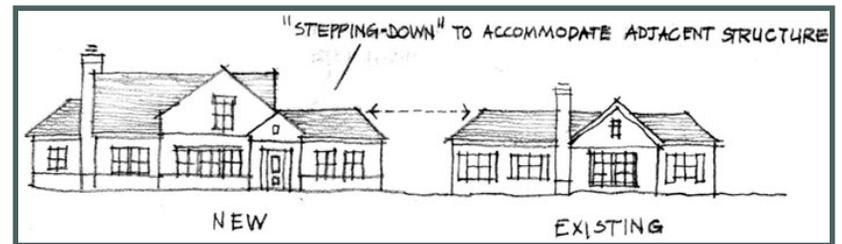
Relationship to Neighbors

Break down the mass of your home to avoid towering over your neighbors

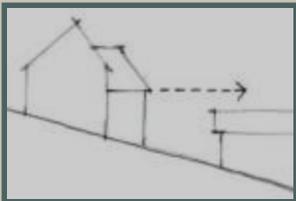
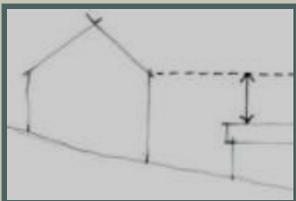


Step down the rooflines

When you respect the height of adjacent homes, your home looks better and your neighbors won't feel overshadowed. The example shown below illustrates a desirable approach.



“Mass” does not simply mean size, though the size of your new home is an important element. Mass, more importantly, refers to the appearance of your new home as compared to your neighbors. The design of your new home should not dominate, tower above or overshadow your neighbors.





Roofs



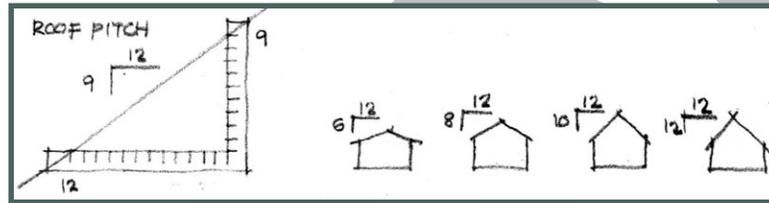
Principles to Design By...

Your rooflines should not be the dominating architectural theme of your new home. Instead, the roof line can be used to help your home **harmonize** with the roof patterns of the street without calling attention to itself.

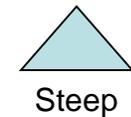
Many of our neighborhoods have homes with shallow roof pitches. A new home with a steep roof pitch can really stand out. It is the intent of the Commission to ensure that rooflines do not detract from the overall streetscape. **The primary roof pitch of the new home shall not be greater than twice the roof pitch of any adjacent home and shall not exceed a 10:12 pitch.**

Consider the following elements of roof design:

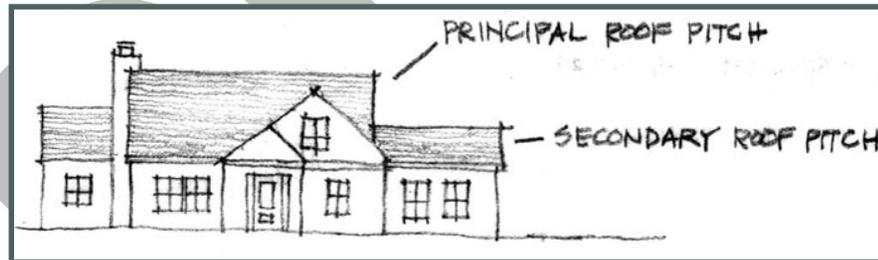
- Roof pitch
- Principal roof pitch
- Secondary roof pitches
- Edge treatment
- Gables
- Predominant roof pitch in the neighborhood
- Roof patterns in the neighborhood



Roof pitch: The angle or "pitch" of a roof is expressed in inches of rise (vertical) for every 12 inches of run (horizontal).



Less vertical expression compared to a more desirable expression next to a one-story home





Garages



Much of the original housing stock in Olivette was constructed with a single car garage or carport aligned with the main building plane or behind the front elevation. Understanding that the modern day family has at least two vehicles, the design for indoor off-street parking should be sensitive to the fact that garages in Olivette are not necessarily the dominate architectural feature of a building elevation and do not necessarily dominant the streetscape of a neighborhood.

Principles to Design By...

Oversized garages, front entry garages and double width garage doors call negative attention to a home. Even more so, a garage that projects beyond the main front building plane towards the street centers attention on the garage and not the home.

During the Community Design review, it is a priority of the Commission to ensure that the garage is not the primary architectural feature of any elevation, and that the garage does not detract from the general streetscape. **Any projection of a garage 15-feet or more beyond the main front building plane is discouraged.**

What to do with the cars?

Garages are for storing cars, tools and lawn equipment. A well designed home does not have the primary architectural feature a garage projection or door. Instead, place your garage around back and show off your beautiful home instead!

Consider the following elements of garage design:

Building setback

Street entry

Side entry

Garage door face

Number of garage doors

Overall mass, size and placement of the garage compared to the rest of home

Predominate garage types in the neighborhood

Garage layouts in the neighborhood

Encouraged

Recessed Front Entry Garage



Extended Porch Front Entry Garage



Rear/Side Entry Garage



Street Facing Garage on Main Building Plane



Discouraged

Protruding Garages



Protruding 3-Car Front Entry Garage





Elevation Articulation



Principles to Design By...

A good home design pays equal attention to all four building elevations: the front, two sides and rear.

Consider the following elements when designing an elevation:

Building width

Building articulation

Building mass

Avoid the void

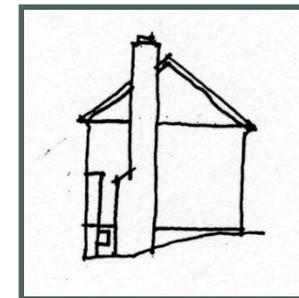
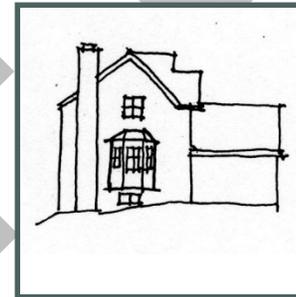
Ban the bland

Keep all four sides interesting

Design a home on all sides

Side and Rear Elevations

You don't see the sides or back of your home from inside your house, but your neighbors DO! Remember to address basic design on the sides and rear of your home. **Good architectural design includes design features and articulation – walls that include elements of architectural interest, not a blank wall.**



No Articulation

The appearance of your new home at each elevation is an important element in good design. Good design principles dictate that your new home provides elevations on all sides that help foster a sense of community and respect for your new neighbors.



Materials



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We prefer to see and routinely favor an elegant, well-considered palette of materials that reflects the proportion and use of materials used in the neighborhood.

Consider the following elements when considering building materials:

Brick and stone (or high quality substitutes)

Siding, including wood or aggregate substitutes such as hardi-plank, or restoration grade vinyl profiles *may be acceptable*

Painted wood trim

Elegant Use of Materials

Limiting the number of materials makes it easier to harmonize colors and textures.



Complex Use of Materials

The more materials you use, the harder it is to make them look good together.



Site and Grading

We consider the following elements of a site design:

- Topography
- Top of foundation
- Avoid mounding
- Storm-water discharge
- Existing and proposed grades
- Proposed
- Downspouts
- Neighboring property lines
- Street accessibility
- Landscaping, trees and shading
- Tree preservation

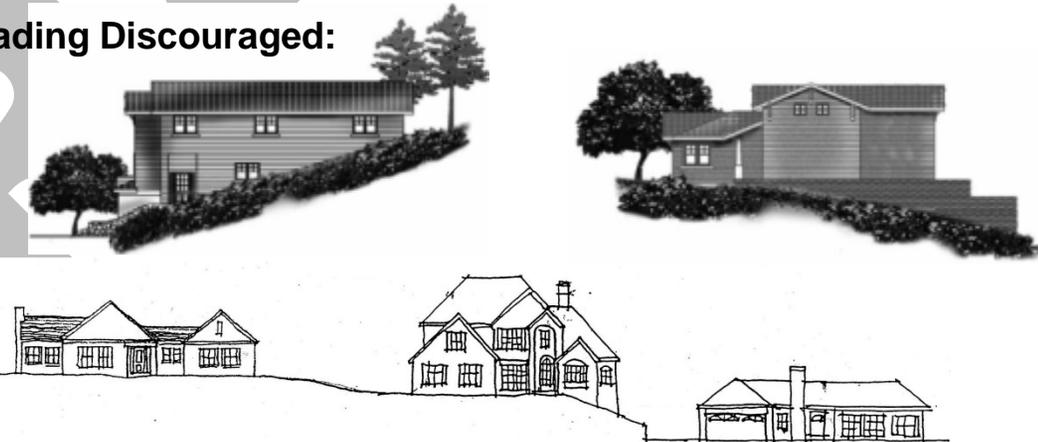
Principles to Design By...

You should expect to address, and hopefully solve, site drainage problems that already exist. Ignoring drainage patterns or increasing the amount or velocity of storm-water runoff to adjacent properties is not acceptable.

Site Grading Encouraged:



Site Grading Discouraged:



Mounding Up

Remember, good design means taking advantage of existing grades. Too much grading on a site can alter the character of a lot and severely and negatively affect neighbors.

Do design your house for the lot.
Don't alter the lot for the house.

Stormwater Management



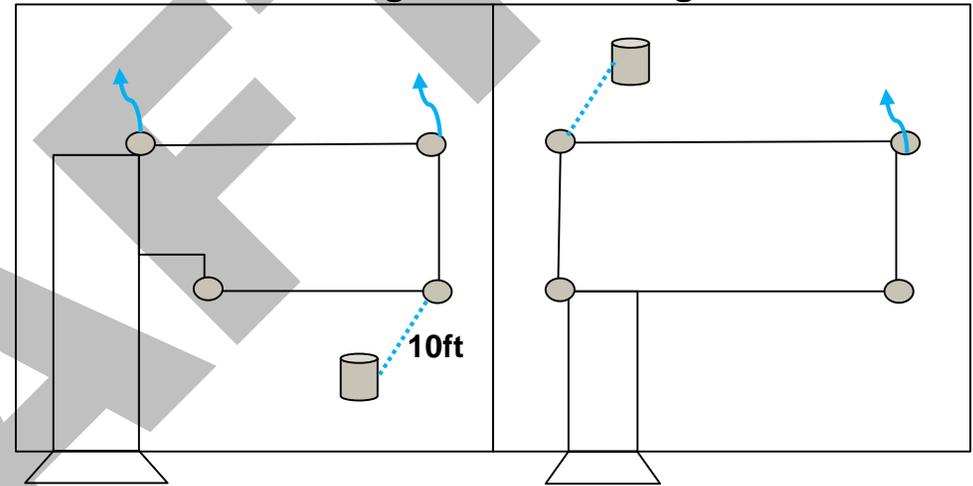
Consider the following elements when addressing Stormwater management:

- Limit disturbance
- Minimize impervious surfaces
- Avoid direct flow to storm sewer
- Grounds should filter, disperse, permeate on site
- Use pervious materials
- Installation of engineered systems that treat stormwater, reduce rates, and infiltrate
- Discourage underground storage detention
- Minimize stormwater generated on and leaving the site
- Minimize erosion
- Treat before discharge
- Consider maintenance and enforcement
- Minimize downstream flooding

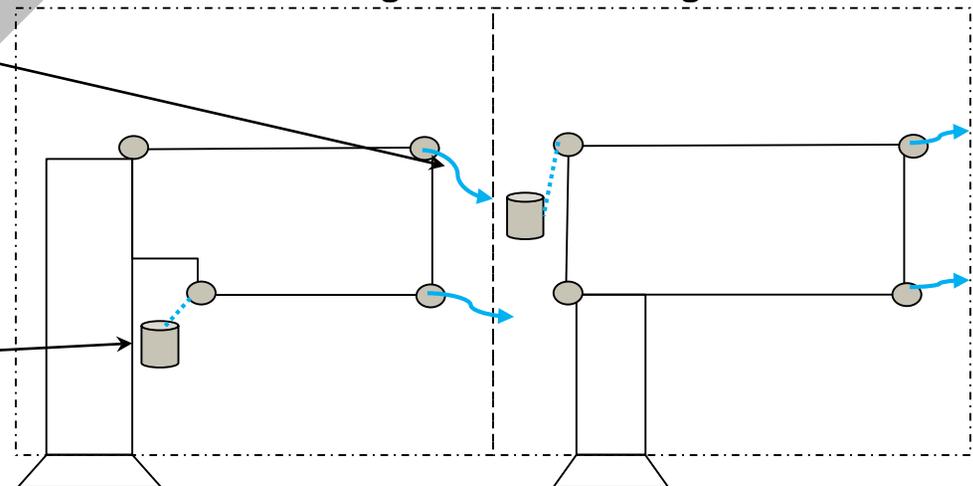
Principles to Design By...

You should expect to address, and hopefully solve, site drainage problems that already exist. Ignoring drainage patterns or increasing the amount or velocity of storm-water runoff to adjacent properties is not acceptable.

Stormwater Management Encouraged:



Stormwater Management Discouraged:



Discharge 10-feet away from property boundaries

Underground detention areas need to be at least 10-foot structures or foundations

Additions and Exterior Renovations

Consider the following elements when considering building additions and exterior renovations:

Topography and avoiding mounding

Top of foundation and foundation wall exposure

Storm-water discharge

Existing and proposed grades

Stormwater/Drainage impacts

Exterior articulation and building finishes

Neighbor, subdivision and community design impacts

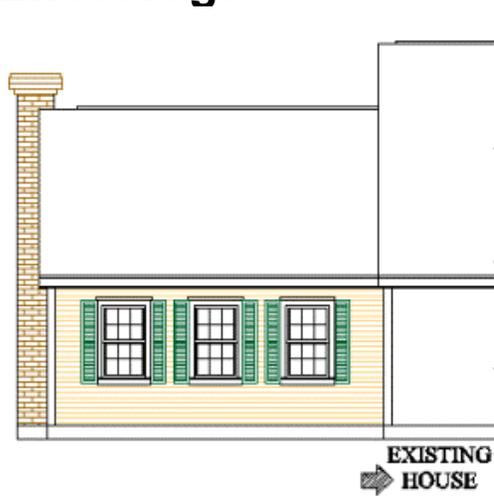
CITY OF OLIVETTE

PLANNING AND COMMUNITY DESIGN COMMISSION

Principles to Design By...

Residential building additions and exterior alterations should compliment the existing home design and blend within the surrounding environment and neighboring structures. Any building addition or exterior alteration should follow the same design principles encouraged for massing, roofs, elevation articulation, materials, and site grading as noted in this report.

Encouraged



Discouraged



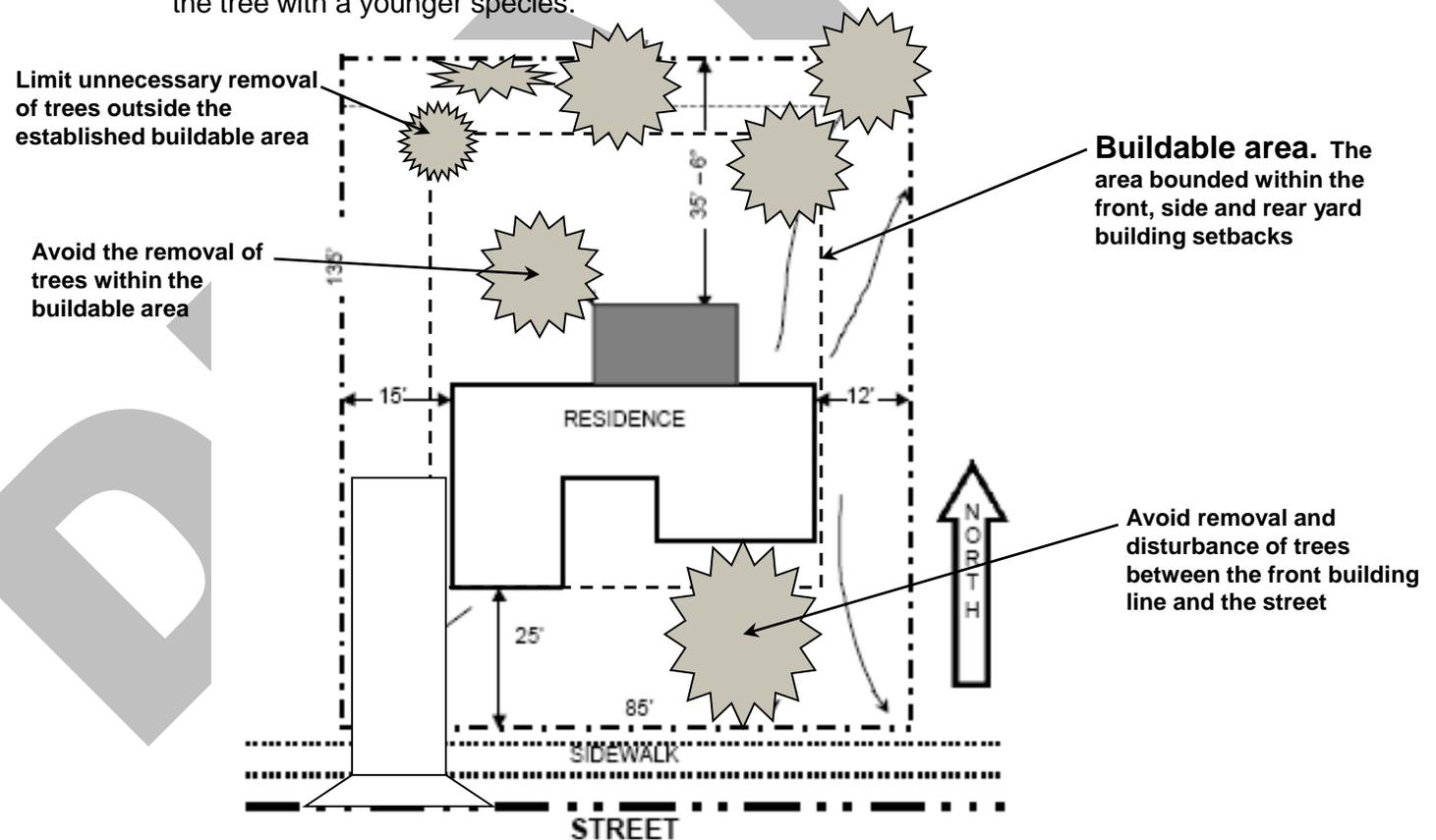
A good addition should look as if it were part of the original house structures. Exterior alterations should compliment the existing home and the neighboring structures.

Tree Preservation

Principles to Design By...

One of the many unique qualities of Olivette's residential neighborhoods and residential streets are the proliferation of countless varieties of mature trees and their spanning canopies arching over streets and yards. When designing your home, consider the location of the home on the lot and limit the unnecessary removal of mature trees. Consider the following four principles as you configure the placement of your home and the grading of your lot:

1. Try to avoid mature trees within the buildable area established by the zoning district. The buildable area is the area bounded within the front, side and rear yard setbacks.
2. Avoid the removal of trees and disturbing the ground area within a tree drip line/canopy between the front building line and street.
3. Limit the unnecessary removal of trees outside the buildable area established by the zoning district.
4. If removing a tree outside the buildable area established by the zoning district, consider replacement of the tree with a younger species.



Assess the health of trees on your property.

Trees add value to property and are an essential element in preserving a neighborhood's overall character.

Unhealthy trees deter from the value of property and pose a public hazard.

Avoid unnecessary damage to trees during construction. Trees should be marked and fence enclosed. Periodically inspect the fence enclosures throughout the construction process to limit damage.

Review Process



Requirements:

Before submitting a petition for a new single family home or residential addition/exterior alteration, make sure you review the following items:

1. Olivette Residential Redevelopment and Design Guidelines
2. Zoning Ordinance of the Olivette Municipal Code
3. Community Design regulations of the Olivette Municipal Code
4. Petition application for Community Design Review.
5. List of Minimum Submission Standards for PCDC Review

Also, don't forget to notify and contact adjacent neighbors and your subdivision's trustees.

Schedule of PCDC: The Planning and Community Design Commission reviews new home petitions on the third Thursday of each month. Deadline for submission is thirty (30) days prior to a scheduled meeting.

Petitions for single family residential additions and exterior alterations are reviewed on the first and third Thursday of each month. Deadline for submission is fifteen (15) days prior to a scheduled meeting.

Review: Once a petition is received, staff will review the petition for completeness and provide the Petitioner general comments regarding zoning compliance and design. Incomplete petitions shall be returned without review and resubmission shall be necessary.

If the petition is deemed complete by staff, the petitioner will have ten days to resubmit revised plans addressing staff's issues. Revised petitions will be placed on the Commission docket for review.

The Commission has sixty (60) days to take action on a petition approved by staff. If the Commission does not act within sixty (60) days, the petition is deemed automatically approved.

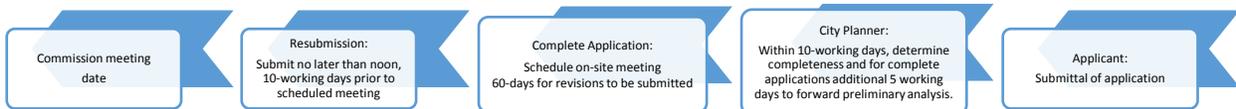
Approval: Once a petition has been approved by the Commission, an application for a building permit may be submitted. Community Design Review approval is valid for 12 months. If a footing inspection is not complete within 12-months from the date the Community Design Review petition is approved, a new petition review will be necessary.

Building permits generally take ten (10) working days for initial review. All comments are forwarded to the architect of record on the plans received.

DEPARTMENT MEMORANDUM

DATE: AUGUST 4, 2016
TO: PLANNING AND COMMUNITY DESIGN COMMISSION
FROM: CARLOS TREJO
DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT
RE: REVIEW PROCEDURES & STORMWATER MANAGEMENT

1. Revised purpose and intent.
2. Revised the review schedule for residential homes as discussed by the Commission to as follows:



CHAPTER 400 ZONING REGULATIONS

ARTICLE XI: Site Plan Review Procedures

Section 400.1050 Intent and Purposes.

- A. The site plan review procedure is intended to:
1. Reinforce the vision of the Olivette Strategic Plan, *Dynamic Sense of Place*.
 2. Ensure development is consistent with the goals and objectives of the underlying zoning district.
 3. **Ensure the adequate review and consideration of potential impacts of proposed development upon surrounding uses and activities.** The uses to which this procedure applies are permitted in accordance with specified standards within the designated districts.
 4. Standardize procedures for developments and uses requiring Commission review in conjunction with the Zoning Ordinance, Stormwater Management, Community Design Review, and variances under Chapter 400 that require Commission review.
- B. The site plan shall demonstrate that all reasonable steps have been taken to minimize the negative effects of a proposed development upon the surrounding built and natural environment as well as upon the subject site itself, including, but not limited to:
- Provisions for managing traffic, including:
cross access easements;
pedestrian and bicycle facilities.
 - provision for public utilities, especially storm drainage; including:
Compliance with Chapter 422 Stormwater Management Ordinance,
BMP practices to maintain or reduce velocity of stormwater.
 - provision of landscaping, open space and recreation facilities, including:
Compliance with the Olivette Residential Redevelopment and Design Guidelines,
Compliance with Chapter 428 Community Design-Olive Boulevard,
buffering of buildings,
parking and circulation areas,
traffic and other activities;
 - noise from traffic and other activities;
 - pedestrian convenience and safety;
 - signs and other identification;
 - ~~impact on public facilities such as schools;~~
 - ~~effect on public income and expenditures and similar considerations.~~

Section 400.1055 Applicability

- A. The provisions of this Article shall apply to the following:
 - 1. Proposed uses and developments that require Community Design Review, Site Plan Review, Concept Stormwater Management Plan Review.
 - 2. Variance procedures requiring Commission review under Title IV Land Use.
 - 3. Developments, uses, and amendments requiring Special Permit, in addition to the Standards and Conditions for Special Permit Uses of Article XII.
 - 4. "M-U" Gateway District.
 - 5. Rezoning for zoning districts under Title IV: Land Use Of the Olivette Municipal Code. If a Zoning District requires procedures for rezoning, the applicable Review Process shall substitute for the rezoning process under this Section.

Section 400.1060 Filing Procedures.

- A. Applications for a proposed development requiring site plan review may be filed by any person with a financial, contractual or proprietary interest in the property proposed to be developed ("applicant").
- B. The Applicant is advised to consult with the City Planner regarding procedural requirements prior to the preparation of the application to expedite the review of the application and minimize delays.
- C. The application shall be made on forms prescribed by the City and shall be accompanied by a filing fee in accordance with Schedule I Land Use Fees being part of Title IV: Land Use of the Olivette Municipal Code.

AT THIS POINT, THIS PROCESS IS APPLICABLE TO ALL 3-KNOWN PLAN REVIEWS (SITE PLAN, COMMUNITY DESIGN, AND CONCEPT STORMWATER MANAGEMENT)

Section 400.1080 Submission Requirements.

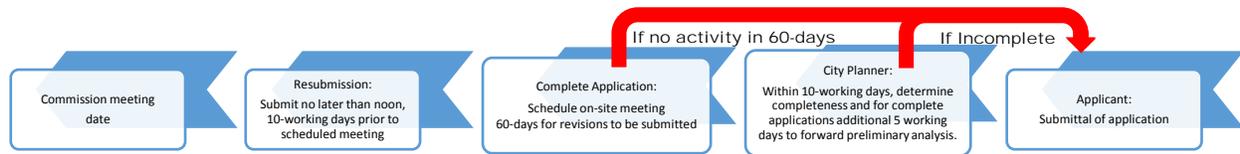
- A. The following submission requirements shall apply to the following:
- Site Plan Review under this Chapter, including but not limited to:
 - Variances,
 - Special Permits,
 - Rezoning.
 - Concept Stormwater Management Plan Review under Chapter 422.
 - Community Design Review under Chapter 425.
- B. Minimum requirements.
1. The Commission shall adopt minimum submission requirements for all reviews.
 2. The City Planner shall oversee compliance of the submission requirements with all applications.
 3. The City Planner shall have the authority to reduce the submission requirements for certain projects, but must note what standards were reduced to the Commission, and why said standards were deemed unnecessary.
(current Code language: shall include only those items necessary to address the proposed action as specified by the Planning and Zoning Administrator.)
 4. All applications shall include both paper format and electronic format. The Applicant shall certify that the electronic copy has been scanned for viruses and that it is virus-free.
- C. General requirements for all reviews.
1. Number of copies. At the time of application, in addition to the aforementioned electronic copy, the following number of paper copies of supporting documents shall be provided:
 - a. Residential Reviews. Applications for single family uses and structures, attached single family structures, and residential accessory structures shall include two (2) copies of the following supporting documents.
 - b. Nonresidential Reviews. Applications for non-single-family review, including commercial, industrial, and multi-family uses, and nonresidential accessory structures, shall include five (5) copies of the following supporting documents.
 2. Supporting documents. The following supporting documents shall accompany all applications under this Section.
 - a. Boundary Survey with improvement location. A boundary survey with improvement location prepared by a professional engineer or registered land surveyor of the State of Missouri at a scale no greater than one inch equals twenty feet (1" = 20') and shall be provided on a minimum eleven (11) inch by eighteen (18) inch sheet of paper. The Boundary Survey shall illustrate all property corners have been located and verified or reset. The improvements on the property will be located and encroachments onto or from the subject property will be determined.
 - b. Site Plan. A Site Plan shall be prepared utilizing the findings of the boundary survey with improvement location. The Site plan shall be prepared by a professional engineer, registered land surveyor of the State of Missouri, or a licensed architect with the State of Missouri, at a scale no greater than one inch equals twenty feet (1" = 20') and shall be provided on a minimum eleven (11) inch by eighteen (18) inch sheet of paper. The site plan shall include existing site information, proposed structure information, adjacent property information, and site data.
 - c. Site Sections. A minimum of two (2) Site Sections of the site, perpendicular to one another, signed and sealed by a professional engineer or registered land surveyor of the State of Missouri, or a licensed architect with the State of Missouri. Said site section shall be scaled one-eighth of an inch equals one foot ($\frac{1}{8}" = 1'$) or at one foot equals ten feet (1" = 10'). The

site section shall include existing and proposed contour information and location of proposed structures. Vertical and horizontal information shall maintain the same scale.

- d. Concept Stormwater Management Plan. A Concept Stormwater Management Plan shall be prepared utilizing the findings of the boundary survey with improvement location. The Concept Stormwater Management Plan shall be prepared by a professional engineer or registered land surveyor of the State of Missouri, at a scale no greater than one inch equals twenty feet (1" = 20') and shall be provided on a minimum eleven (11) inch by eighteen (18) inch sheet of paper. The site plan shall include existing site information, proposed structure information, adjacent property information, and site data.
 - e. Streetscape. A streetscape elevation providing a pictorial elevation of the streetscape, including the street side building elevation and adjacent structures on each side of the proposed improvements, illustrating existing topography and grades along the street and front of each structure.
 - f. Building Plans. Building plans prepared and sealed by a **licensed** architect.
 - i. Residential building plans shall be scaled at one-quarter of an inch equals one foot ($\frac{1}{4}" = 1'$) and include each building floor, including the basement, elevations showing each exterior wall and material finishes, typical exterior wall section, and cross sections extending from the foundation wall and to highest roof pitch.
 - ii. **Nonresidential building plans** shall be scaled no smaller than one-eighth of an inch equals one foot ($\frac{1}{8}" = 1'$) or at one foot equals ten feet (1' = 10') and include a separate sheet for each building floor, including the basement, elevations showing each exterior wall and material finishes, and cross sections of the foundation wall and typical roof section.
 - g. Project Report. Project Report addressing the following:
 - i. Compatibility of the proposed improvements or uses in relation to the intent and purposes of applicable sections.
 - ii. Any deficiencies or non-compliance with regulations, design criteria, or guidelines.
 - iii. Compliance with Concept Stormwater Management Plan Review.
- D. Nonresidential Reviews. In addition to the submission requirements identified in Section 400.1080.C, applications for non-single-family home review, including commercial, industrial and multi-family uses, shall include the following supporting documents:
1. Cover sheet.
 2. Landscape plan sheet.
 3. Concept Site Plan sheet.
 4. Stormwater management plan sheet.
 5. Building elevations sheet.
 6. Exterior lighting plan sheet.
 7. Site vignette sheet.
 8. MSD preliminary review
 9. MoDOT review

THE PROPOSED PROCESS FOR REVIEW PROCEDURES ARE TO APPLY TO ALL APPLICATIONS, INCLUDING ALL 3-KNOWN PLAN REVIEWS (SITE PLAN, COMMUNITY DESIGN, AND CONCEPT STORMWATER MANAGEMENT)

(RESIDENTIAL REVIEWS, including new homes, additions, and accessory structures)



Section 400.1090 Review Procedure.

A. City Review General.

1. Submittal. Applications shall be provided in accordance with the requirements of Section 400.1080.
2. City Planner Review. Within fifteen (15) working days from the date of submittal, the City Planner shall:
 - a. Evaluate the application for completeness.
 - b. Determine whether the application complies with the standards of the underlying zoning district.
 - c. Forward preliminary review analysis.
 - d. Incomplete applications. Applications which are deemed incomplete by the City Planner shall receive written notice of deficiencies and returned to the applicant for resubmission in accordance with this Section.
 - e. Abandonment. Any application in which no revisions or resubmission is received within sixty (60) days of the date of the written notice from the City Planner shall be deemed abandoned, unless the applicant submits a written request for an extension.
3. City Planner Analysis. Complete applications shall be reviewed for compliance with Section 400.1050.B, Chapter 422 Stormwater Management, Chapter 425 Community Design Review, Chapter 435 Fences, and Article XIV Off-street Parking and Loading.
4. On-site Meeting. An on-site meeting shall be scheduled with the City Planner prior to the resubmission of any complete application.
5. Final Plans. The Applicant shall submit five (5) copies of the final plans, including one electronic file. Said Plans should:
 - a. Addressed the City Planner's review and comments
 - b. Project Report stating how the plans conform to the intent, purpose, or design of applicable Chapters
 - c. Submit a statement and necessary documents for variances
6. Scheduling of Commission review. Upon receipt of final plans, the City Planner shall forward the application to the Commission no less than ten (10) working days prior to a scheduled meeting date.

B. Commission Review.

1. Review. The Commission shall review the application to determine compliance of the proposed development with the purpose and intent of this Article. The Commission shall:
 - f. Residential. The Commission, within sixty (60) days after submission to it, shall vote to approve or disapprove the application. Conditions may be placed on the approval as deemed appropriate by the Commission.
 - g. Nonresidential. The Commission, within one hundred twenty (120) days after submission to it, shall vote to approve or disapprove the application. Conditions may be placed on the approval as deemed appropriate by the Commission.
 - h. Separate residential and non, then have rezoning, etc.
 - i.
 - j. Special Permits, Rezoning, Planned Developments. The Commission, within one hundred twenty (120) days after submission to it, shall submit findings and recommendations to the City Council.
 - k. If the recommendation is for approval, same shall contain the conditions or restrictions recommended by the Commission with respect to the preliminary development plan.
 - l. The Commission may fail to issue a recommendation or report within such time period, whereupon the proposal shall be deemed to be approved.
 - m. The Commission may report that it cannot reach a decision upon the proposal within such time period, whereupon the proposal shall be deemed to be disapproved.
 - n. Abandonment. Any application in which no revisions or resubmission is received within sixty (60) days of the date of the written notice from the City Planner shall be deemed abandoned, unless the applicant submits a written request for an extension.
3. City Planner Analysis. Complete applications shall be reviewed for compliance with Section 400.1050.B, Chapter 422 Stormwater Management, Chapter 425 Community Design Review, Chapter 435 Fences, and Article XIV Off-street Parking and Loading.
4. On-site Meeting. An on-site meeting shall be scheduled with the City Planner prior to the resubmission of any complete application.
5. Final Plans. The Applicant shall submit five (5) copies of the final plans, including one electronic file. Said Plans should:
 - d. Addressed the City Planner's review and comments
 - e. Project Report stating how the plans conform to the intent, purpose, or design of applicable Chapters
 - f. Submit a statement and necessary documents for variances
6. Scheduling of Commission review. Upon receipt of final plans, the City Planner shall forward the application to the Commission no less than ten (10) working days prior to a scheduled meeting date.

~~"SR" District~~ **Residential Reviews.** Review procedures for proposed uses and structures in the "SR" District, **excluding multifamily developments consisting of 4-or more attached units, "AR" District, and "PASF" District,** which do not require rezoning, but are subject to Site Plan Review, Concept Stormwater Management Review, or Community Design Review:

7. Commission Review. **The Commission shall review the application to determine compliance of the proposed development with the purpose and intent of this Article.** ~~The Commission shall review the application to **determine the environmental impact of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general health, safety and welfare of the City of**~~

~~Olivette, including each of the factors set forth in Section 400.1050 hereof. (Appears redundant)~~

8. Commission Action. The Commission, within sixty (60) days after submission to it, shall vote to approve or disapprove the application. Conditions may be placed on the approval as deemed appropriate by the Commission.
9. Appeals. Within the two (2) week period following the Commission action, the Applicant may, by written notice to the Commission and the City Council, appeal the decision to the City Council. After review and consideration of the factors set forth in Section 400.1050 hereof, the City Council may override the decision of the Commission by a three-fourths ($\frac{3}{4}$) vote of its full membership.
9. City Council Review. Within the two (2) week period following the Commission action, the City Council may, by written notice requested by any Council member, have the application referred to that body. After review and consideration of the factors set forth in Section 400.1050 hereof, the City Council may override the Commission decision by a three-fourths ($\frac{3}{4}$) vote of its full membership.
- ~~10. Conditions. Conditions placed on an approved application shall be resolved to the satisfaction of the City Manager after appropriate consultation with the City Planning Consultant, City Attorney and Commission prior to issuance of a building permit. (this is current wording, should this be changed?—May be best to relocate this in a different subparagraph and make applicable to ALL reviews identified herein.)~~

**(NONRESIDENTIAL REVIEWS, including new construction, additions, and accessory structures)
EXCLUDES REZONINGS OR SPECIAL PERMITS**

- B. ~~“COR” District~~ **Nonresidential Reviews.** Review procedures for proposed uses **and structures** in the "COR" District, **“LID” District, “PA” District, “PRO” District, and multifamily developments consisting of 4-or more attached units**, which do not require rezoning, but are subject to Site Plan Review, Concept Stormwater Management Review, or Community Design Review.
1. Submittal. Applications shall be provided in accordance with the requirements of Section 400.1080. **The application must be received at least forty-five (45) calendar days prior to the meeting of the Planning and Community Design Commission. The City Planner shall have the authority to reduce the submission deadline for certain projects.**
 2. Determination of completeness. The City Planner shall review the application for completeness within 10-working days from the date received.
 - a. If the City Planner determines the application is incomplete, the City Planner shall forward a letter noting findings and deficiencies. The application shall remain active for no more than sixty (60) days. Failure to resubmit an application within the sixty (60) days shall deem the application null and void. Any fees associated with the application shall be forfeited.
 - b. If the City Planner determines the application is complete, the City Planner shall forward a letter noting completeness and that a review of the application regarding Section 400.1050.B, Chapter 422, and Chapter 425 is commencing.
 3. City Planner Review. The City Planner shall review the application for compliance with Section 400.1050.B, Chapter 422, and Chapter 425. Within fifteen (15) **working days** from the determination of completeness, the City Planner shall issue a letter to Applicant providing review comments regarding compliance with Section 400.1050.B, Chapter 422 and Chapter 425.
 4. On-site meeting. The City Planner has the right to schedule a meeting with the Applicant, Surveyor, Engineer, Architect, property owners, neighbors, and city officials.
 5. Revisions. Revisions failing to address compliance with Section 400.1050.B, Chapter 422 and Chapter 425 will not be forwarded to the Commission. Following the on-site meeting and review of revisions, the Applicant shall submit 5-copies of the final petition plans, including one electronic file. Said plans should:
 - Address the City Planner’s review and comments; or
 - Identify what items the Applicant objects to revised.
 6. Public availability. All revisions submitted by the Applicant shall be posted online for at least 10-days prior to a scheduled Commission review.
 7. Commission Review. **The Commission shall review the application to determine compliance of the proposed development with the purpose and intent of this Article. ~~determine the environmental impact of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general health, safety and welfare of the City of Olivette, including each of the factors set forth in Section 400.1050 hereof.~~** (Appears redundant)
 8. Commission Action. The Commission, within one hundred twenty (120) days after submission to it, shall vote to approve or disapprove the application. Conditions may be placed on the approval as deemed appropriate by the Commission.
 9. Appeals. Within the two (2) week period following the Commission action, the Applicant may, by written notice to the Commission and the City Council, appeal the decision to the City Council. After review and consideration of the factors set forth in Section 400.1050 hereof, the City Council may override the decision of the Commission by a three-fourths (¾) vote of its full membership.
 9. City Council Review. Within the two (2) week period following the Commission action, the City Council may, by written notice requested by any Council member, have the application referred to that body. After review and consideration of the factors set forth in Section 400.1050 hereof,

the City Council may override the Commission decision by a three-fourths ($\frac{3}{4}$) vote of its full membership.

10. ~~Conditions. Conditions placed on an approved application shall be resolved to the satisfaction of the City Manager after appropriate consultation with the City Planning Consultant, City Attorney and Commission prior to issuance of a building permit.~~ (this is current wording, should this be changed?—May be best to relocate this in a different subparagraph and make applicable to ALL reviews identified herein.)

~~C. Site plan review procedure for a "PRO" or an "AR" application shall be submitted to the Planning and Zoning Administrator at least thirty (30) days prior to a regularly scheduled meeting of the Commission.~~

- ~~1. Such application, together with the information and plans specified in Section 400.1080, provided that same shall include only those items necessary to address the proposed action, as specified by the Planning and Zoning Administrator, shall be considered at a meeting of the Commission. Notices of such meeting shall be sent to the owners of all properties within one hundred eighty-five (185) feet of the parcel included in the application.~~
- ~~2. The Commission shall make a report regarding the environmental impact of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general public health, safety and welfare of the City of Olivette, including each of the factors set forth in Section 400.1050 hereof. The Commission's findings and recommendations shall be submitted to the City Council within one hundred twenty (120) days after submission to it. If the recommendation is for approval, same shall contain the conditions or restrictions recommended by the Commission with respect to the preliminary development plan.~~
- ~~3. The Commission may recommend approval or disapproval. The Commission may fail to issue a recommendation or report within such time period, whereupon the proposal shall be deemed to be approved. The Commission may report that it cannot reach a decision upon the proposal within such time period, whereupon the proposal shall be deemed to be disapproved. The Commission may request more time to consider the proposal, whereupon the Council may, at its option, either:
 - ~~a. Extend the time period for such additional time as it deems necessary; or~~
 - ~~b. Treat the Commission's request as a disapproval of such change.~~~~
- ~~4. The City Council shall hold a public hearing thereon upon at least fifteen (15) days' public notice and shall make a determination based upon the factors set forth in Section 400.1050 hereof and for a "PRO" application, the standards set forth in Article VII hereof, and for an "AR" application, the standards set forth in Article V.~~
- ~~5. If the Commission recommendation is for approval with or without conditions, a simple majority of the Council in favor is required for approval. If the Commission recommendation is to not approve the application, a favorable vote of three-fourths (¾) of all the members of the Council is required for approval. If the application is approved by the City Council, the City Council shall adopt an ordinance approving the preliminary development plan with conditions as specified therein, which ordinance shall become effective on approval by the Commission of the final development plan.~~
- ~~6. Within nine (9) months following passage of an ordinance approving the preliminary development plan, the petitioner shall submit a final development plan to the Commission for its review and consideration to determine if said final development plan is in substantial conformance with the approved preliminary development plan and with the imposed conditions of approval. If the final development plan contains material deviations from the approved preliminary development plan or if the conditions of the preliminary development plan approval are not adequately met, same shall not be approved. After approval of the final development plan by the Commission, same shall be recorded.~~

C. Special Permit or Rezoning. Review procedures for special permit uses and rezoning subject to Site Plan Review or Community Design Review.

1. Submittal. Applications shall be provided in accordance with the requirements of Section 400.1080. **The application must be received at least forty-five (45) calendar days prior to the meeting of the Planning and Community Design Commission. The City Planner shall have the authority to reduce the submission deadline for certain projects.**
2. Determination of completeness. The City Planner shall review the application for completeness within 10-working days from the date received.
 - a. If the City Planner determines the application is incomplete, the City Planner shall forward a letter noting findings and deficiencies. The application shall remain active for no more than sixty (60) days. Failure to resubmit an application within the sixty (60) days shall

deem the application null and void. Any fees associated with the application shall be forfeited.

- b. If the City Planner determines the application is complete, the City Planner shall forward a letter noting completeness and that a review of the application regarding Section 400.1050.B, Chapter 422, and Chapter 425 is commencing.
3. City Planner Review. The City Planner shall review the application for compliance with Section 400.1050.B, and Chapter 425. Within fifteen (15) **working days** from the determination of completeness, the City Planner shall issue a letter to Applicant providing review comments regarding compliance with Section 400.1050.B and Chapter 425.
4. On-site meeting. The City Planner has the right to schedule a meeting with the Applicant, Surveyor, Engineer, Architect, property owners, neighbors, and city officials.
5. Revisions. Revisions failing to address compliance with Section 400.1050.B and Chapter 425 will not be forwarded to the Commission. Following the on-site meeting and review of revisions, the Applicant shall submit 5-copies of the final petition plans, including one electronic file. Said plans should:
 - Address the City Planner's review and comments; or
 - Identify what items the Applicant objects to revised.
6. Public availability. All revisions submitted by the Applicant shall be posted online for at least 10-days prior to a scheduled Commission review.
7. Commission Review. **The Commission shall review the application to determine compliance of the proposed development with the purpose and intent of this Article.**
8. Commission Action. The Commission's findings and recommendations shall be submitted to the City Council within one hundred twenty (120) days after submission to it. If the recommendation is for approval, same shall contain the conditions or restrictions recommended by the Commission with respect to the preliminary development plan.
9. The Commission may recommend approval or disapproval. The Commission may fail to issue a recommendation or report within such time period, whereupon the proposal shall be deemed to be approved. The Commission may report that it cannot reach a decision upon the proposal within such time period, whereupon the proposal shall be deemed to be disapproved. The Commission may request more time to consider the proposal, whereupon the Council may, at its option, either:
 - a. Extend the time period for such additional time as it deems necessary; or
 - b. Treat the Commission's request as a disapproval of such change.
4. The City Council shall hold a public hearing thereon upon at least fifteen (15) days' public notice and shall make a determination based upon the factors set forth in Section 400.1050 hereof.
5. If the Commission recommendation is for approval with or without conditions, a simple majority of the Council in favor is required for approval. If the Commission recommendation is to not approve the application, a favorable vote of three-fourths ($\frac{3}{4}$) of all the members of the Council is required to approve the application.

~~D. Site Plan Review Procedures For Special Permit Or Rezoning.~~

- ~~1. Such application, together with the information and plans specified in Section 400.1080, provided that same shall include only those items necessary to address the proposed action, as specified by the Planning and Zoning Administrator, shall be considered at a meeting of the Commission.~~
- ~~2. The Commission shall make a report regarding the environmental impact of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general health, safety and welfare of the City of Olivette, including each of the factors set forth in Section 400.1050 hereof. The Commission's findings and recommendations shall be submitted to the City Council within one hundred twenty (120) days after submission to it. If the recommendation is for approval, same shall contain the~~

~~conditions or restrictions recommended by the Commission with respect to the preliminary development plan.~~

- ~~3. The Commission may recommend approval or disapproval. The Commission may fail to issue a recommendation or report within such time period, whereupon the proposal shall be deemed to be approved. The Commission may report that it cannot reach a decision upon the proposal within such time period, whereupon the proposal shall be deemed to be disapproved. The Commission may request more time to consider the proposal, whereupon the Council may, at its option, either:
 - a. Extend the time period for such additional time as it deems necessary; or
 - b. Treat the Commission's request as a disapproval of such change.~~
- ~~4. The City Council shall hold a public hearing thereon upon at least fifteen (15) days' public notice and shall make a determination based upon the factors set forth in Section 400.1050 hereof.~~
- ~~5. If the Commission recommendation is for approval with or without conditions, a simple majority of the Council in favor is required for approval. If the Commission recommendation is to not approve the application, a favorable vote of three-fourths (¾) of all the members of the Council is required to approve the application.~~

~~Section 400.1100 Resubmissions.~~

~~Any application submitted in accordance with this Article which has been reviewed by the Commission and which the applicant wishes to revise and resubmit prior to final action by the Commission shall be revised and resubmitted at least fifteen (15) days prior to the scheduled meeting at which final action is requested; provided however, that any revision and resubmittal under this Section which the Planning and Zoning Administrator determines will contain substantial revisions and will require additional review shall be made at least thirty (30) days prior to the scheduled meeting at which final action is requested.~~

~~Section 400.1110 Conditions and Restrictions.~~

- ~~A. In approving a site plan application, the Commission may impose conditions and restrictions and may vary the standards set forth in this Chapter so long as it makes a specific finding that the considerations set forth in Section 400.1050 have been satisfied and a specific finding that the intent of this Chapter is carried out. However, specified use regulations shall not be varied so as to make them less restrictive.~~
- ~~B. If the City Council so acts, it shall designate specific requirements which must be met before an applicant may be granted approval of a final development plan and a building permit.~~

~~Section 400.1120 Period of Validity.~~

~~No site plan approval shall be valid for a period longer than twelve (12) months from the date of approval of the site plan application, unless within such period a building permit is obtained and construction is commenced. The City Council may grant extensions not exceeding twelve (12) months each upon written request of the original applicant if the application submitted at the time of the request is substantially the same as the initially approved application. However, the City Council has the power in such cases to attach new conditions to re-approval. Should a request for extension of an approved site plan contain material changes as determined by the Council, the Council shall require the applicant to refile the application subject to the requirements and procedures of site plan review and the appropriate zoning requirements.~~

~~Section 400.1130 Building Permit For Approved Site Plan.~~

~~No building permit shall be issued for the construction of any improvement or property included within an approved development plan which is not in conformity with the final approved plan.~~

~~Section 400.1135 Maintenance.~~

~~In the event of damage to plant materials which are required under any City ordinance or permit, dead or damaged materials shall be promptly removed and replaced with at least the same quality and quantity of material as originally required.~~

~~Section 400.1140 through Section 400.1190 (Reserved).~~

CHAPTER 422. STORMWATER MANAGEMENT

Article I. Short Title, Intent and Purpose

Section 422.010. Short Title.

This Chapter shall be known and may be cited as "The Stormwater Management Ordinance of the City of Olivette, Missouri".

Section 422.020. Intent and Purpose.

- A. This Chapter is intended to be utilized in conjunction with the Zoning Ordinance, Subdivision Code, Stream Buffer Protection Ordinance, and Excavations and Grading Ordinance of the City of Olivette, Missouri, to ensure that the development of land in the City of Olivette occurs in a manner that protects, provides for and promotes the public health, safety, convenience, comfort and general welfare of the residents of Olivette.
- B. The Clean Water Act Phase II Stormwater Regulations were promulgated to provide appropriate stormwater management of non-point source pollution in urbanized areas, and these regulations apply to the watersheds located within the Metropolitan St. Louis Sewer District (MSD). Olivette recognizes that as an urban mature community which has traditionally been developed to facilitate stormwater drainage onto streets, catch basins, detention areas and streams, the City must be cognizant of the quality of water that is being generated and directed into surrounding watersheds. The intent of this Chapter is to establish the regulations and guidelines for how stormwater is managed, purified and detained on **land within the City of Olivette.** ~~private and public property.~~
- C. Specific purposes of this Chapter include the following:
 1. To control and manage stormwater on **developed** property;
 2. Minimize adverse stormwater effects on adjoining and nearby properties;
 3. Improve the water quality and limit the sources of impairment within adjacent streams, basins and watersheds;
 4. Commit the City of Olivette to the St. Louis County Phase II Stormwater Management Plan;
 5. To ensure the orderly development of land; and
 6. To protect and to conserve the value of building and other improvements. **and to minimize adverse impact of development on adjoining or nearby properties;**
 7. **Minimize increases in Stormwater runoff from any development in order to reduce flooding, siltation, and erosion; and**

Section 422.030. Conflicts With Other Ordinances.

Wherever conflicts exist between the regulations and minimum standards set forth in this Chapter with other regulations, ordinances or resolutions, the more restrictive or higher standard shall apply.

Article II. Definitions

Section 422.040. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed in this Section.

BEST MANAGEMENT PRACTICES

Also known as BMPs, best management practices are control measures taken to mitigate changes to both quantity and quality of urban runoff caused through changes in land use. Generally BMPs focus on water quality problems caused by increased impervious surfaces from land development. BMPs are designed to reduce stormwater volume, peak flows and/or non-point source pollution through evapotranspiration, infiltration, detention, and filtration or biological and chemical actions.

CLEAN WATER ACT PHASE II STORMWATER REGULATIONS

The Clean Water Act amendments of 1987 Phase II regulations, which were published in the December 8, 1999 Federal Register. These regulations require all municipalities to have National Pollution

Discharge Eliminations System (NPDES) permit. The City of Olivette is a co-permittee under the NPDES titled St. Louis County Phase II Stormwater Management Plan.

COMMUNITY DESIGN REVIEW

The review of site plan documents by the City of Olivette Planning and Community Design Commission in accordance to the procedures outlined in Chapter 425 Community Design—Generally or Chapter 428 Community Design—Olive Boulevard Corridor of the Olivette Municipal Code.

CONCEPT STORMWATER MANAGEMENT PLAN

A plan specified in Section 422.070 that identifies and illustrates how stormwater will be managed on the site grounds.

DRAINAGE AREA

The area contributing runoff to a single point measured in a horizontal plane.

EXCAVATION AND GRADING ORDINANCE

Chapter 520 of the Olivette Municipal Code regulating excavations, acts by which earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom, and grading, any excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

EVAPOTRANSPIRATION

The loss of water to the atmosphere through both evaporation and transpiration, which is the evaporation of water from the aerial parts of plants.

HYDROLOGIC SOIL GROUP (HSG)

Natural resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

IMPERVIOUS SURFACE

A surface that does not allow water or other liquids to pass through it. (for example: concrete or asphalt streets, sidewalks, driveways, parking lots and patio pavements; building rooftops; decks with non - pervious surface area below; etc.)

NATURAL RESOURCES

As applied under this Chapter, a natural resource is an undisturbed environment consisting of, or a combination of, streams, waterways, recreational green space, wildlife habitats, natural vegetated areas, a congregation of trees and foliage, slopes, rock cropping and hillsides that is unique to the built-up urban surrounding.

NON-POINT SOURCE POLLUTION

Water pollution affecting a water body from diffuse sources, in this case contaminated stormwater washed off of parking lots, roads and highways, and lawns.

PERVIOUS SURFACE

A surface that allows inflow of rainwater or other liquids into the underlying construction or soil. (for example: grass or vegetated area, pervious concretes or pervious construction materials.)

SINGLE-FAMILY SITE ALTERATIONS

Any site alteration of single-family homes, residential additions, single-family detached and attached residential exterior alterations and single-family residential detached structures.

SITE ALTERATIONS

Any development or redevelopment requiring the application for community design review, site plan review or the subdivision of land in accordance with the procedures outlined in the Subdivision Code.

SITE PLAN

A series of construction documents required under Chapter 400, Zoning Ordinance with additional requirements under Chapter 425, Community Design—Generally or Chapter 428, Community Design—Olive Boulevard Corridor of the Olivette Municipal Code.

SITE PLAN REVIEW

The review of site plan documents by the City of Olivette Planning and Community Design Commission in accordance to the procedures outlined in Chapter 400, Zoning Ordinance with additional requirements under Chapter 425 Community Design—Generally or Chapter 428, Community Design—Olive Boulevard Corridor of the Olivette Municipal Code.

SITE RESOURCE MAP

A part of the Concept Stormwater Management Plan specified in Section 422.070.

ST. LOUIS COUNTY PHASE II STORMWATER MANAGEMENT PLAN

Also known as the SWMP, the SWMP was developed in partnership with sixty (60) co-permittees and MSD to comply with stormwater permit requirements for the St. Louis Metropolitan Small Municipal Separate Storm Sewer System (MS4) to meet the National Pollution Discharge Elimination System permit system required under the Clean Water Act Phase II Stormwater Regulations. The purpose of the SWMP is to prevent harmful pollutants from being carried by stormwater runoff into local water bodies and to improve the water quality in the area.

STORMWATER

Rainfall or other forms of precipitation. Stormwater runoff is the result of stormwater washing across impervious surfaces, carrying with it the pollutants found on streets, parking lots, rooftops, etc. These pollutants end up in watersheds.

STREAM BUFFER PROTECTION ORDINANCE

Chapter 420 of the Olivette Municipal Code which creates buffer zones along the streams of Olivette for the protection of water resources; and minimizes land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

SUBDIVISION CODE

Chapter 405 of the Olivette Municipal Code governing the division or redivision of land into two (2) or more lots, creation of condominiums, consolidation of two (2) or more tracts of land into one (1) lot, and any adjustment of boundaries of property or subdivisions.

UNDISTURBED

As applied under this Chapter, a naturally developed vegetated area or other natural terrain features.

WATERSHEDS

An area of land where the runoff from rain and snow will ultimately drain to a particular stream, river, wetland or other body of water.

ZONING ORDINANCE

Chapter 400 of the Olivette Municipal Code, which specifies the type of use to which property may be put in specific areas, defines:

1. The purpose for which the ordinance is adopted;
2. The various zoning classifications and permitted uses within each;
3. Restrictions, such as height limitations;
4. The procedure for handling non-conforming uses;
5. The procedure for granting amendments, variances and hearing appeals; and
6. Penalties for violation of the ordinance.

Article III. General Regulations

Section 422.050. Applicability.

- A. Provisions of this Chapter shall apply to all residential and non-residential site alterations where a MSD permit or Concept Stormwater Management Plan Review is required. ~~These requirements are in addition to, and do not replace or supersede, any other applicable stormwater regulations established under State law and approval or exemption from these requirements do not constitute approval or exemption from stormwater management regulations established under State law or from other applicable local, State or Federal regulations.~~
1. ~~Grandfather provisions. This Chapter shall not apply to the following activities:~~
 - a. ~~Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this Chapter.~~
 - b. ~~Existing development and ongoing land disturbance activities including, but not limited to, existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable zoning and buffer requirements.~~
 - c. ~~Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this Chapter.~~
 - d. ~~Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within two (2) years of the effective date of this Chapter.~~
 2. ~~Exemptions. The following specific activities are exempt from this Chapter. Exemption of these activities does not constitute an exemption for any other activity proposed on a property:~~
 - a. ~~Activities for the purpose of building one (1) of the following:~~
 - (1) ~~A stream crossing by a driveway, transportation route or utility line;~~
 - (2) ~~Public water supply intake or public wastewater structures or stormwater outfalls;~~
 - (3) ~~Intrusions necessary to provide access to a property;~~
 - (4) ~~Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;~~
 - (4) ~~Unpaved foot trails and paths;~~
 - (5) ~~Activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.~~
 - b. ~~Public sewer line easements. This includes such impervious surface cover as is necessary for the operation and maintenance of the utility including, but not limited to, manholes, vents and valve structures.~~
 - c. ~~Land development activities within a right-of-way existing at the time this Chapter takes effect or approved under the terms of this Chapter.~~
 - d. ~~Within an easement of any utility existing at the time this Chapter takes effect or approved under the terms of this Chapter, land disturbance activities and such impervious surface cover as is necessary for the operation and maintenance of the utility including, but not limited to, manholes, vents and valve structures.~~
 - e. ~~Emergency work necessary to preserve life or property. However, when emergency work is performed under this Section, the person performing it shall report such work to the Public Services Department on the next business day after commencement of the work. Within ten (10) days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the Public Services Department to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality.~~
 - f. ~~Any activities approved under a 404 permit issued by the Corps of Engineers and 401 water quality certification issued by the Missouri Department of Natural Resources.~~

Section 422.060. Principles and Acceptable Practices.

- A. The City of Olivette recognizes that redevelopment of property, either in the form of expansion or new construction, in a developed community is unique and challenging as it relates to managing stormwater. Given that redevelopment in Olivette, whether residential or non-residential, occurs on a lot by lot basis, addressing stormwater issues that go beyond the scope of the property being developed is limited.
1. In an effort to adequately plan for and resolve stormwater issues on a City-wide basis as individual lots redevelop, the adoption of the following underlying principles are intended to provide the City guidance during the review of site alterations. These principles will be applied so as to manage stormwater on two (2) levels:
 - a. The stormwater impacting the property under review from adjacent and surrounding properties, and
 - b. The impacts of the stormwater generated by the existing and proposed improvements on the property grounds under review onto adjacent and surrounding properties.
 2. These principles and acceptable practices will be utilized by the City to manage the current level of stormwater generated on a site and to minimize the adverse impact of any increase of stormwater onto adjacent and surrounding properties. ~~These principles and acceptable practices are to manage stormwater and should not be construed as a means for reducing or eliminating stormwater that is already generated on or surrounding the site.~~
 3. Applications for site alterations approvals shall be designed and reviewed ~~to adhere in~~ **accordance** to the following adopted principles:
 - a. Encourage the reduction of:
 - i. disturbance to preserved greenspace, buffers, zoning setbacks, and sensitive areas such as flood plains and stream buffers;
 - ii. impervious surface areas such as rooftops, parking lots, sidewalks, roads, etc.;
 - iii. stormwater generation and the amount of stormwater leaving the site;
 - vi. the impact to environmentally sensitive areas; and
 - b. Minimize:
 - i. erosion of site soils;
 - ii. stream bank erosion;
 - iii. downstream flooding.
 - c. Promote the use of pervious surface materials, such as permeable paver blocks, porous asphalt, porous concrete and green roofs.
 - d. Encourage the stormwater generated on the site grounds to filter, disperse and permeate on the site grounds through the use of overland flow to vegetated buffers and other "green" infrastructure techniques that promote infiltration.
 - e. Avoid the direct flow of stormwater generated from impervious surface areas to the storm sewer system.
 - f. Encourage the installation of engineered systems that treat stormwater runoff and/or reduce peak stormwater runoff rates using techniques that employ vegetation and infiltration.
 - g. Adequately treat stormwater before discharge.
 - h. Stormwater controls shall be maintainable and enforceable.
 - ~~g. Discourage the use of underground stormwater detention facilities.~~
 - i. Promote and retain healthy canopy coverage and the long term preservation of trees.**
- B. Acceptable Practices. To promote the adopted principles, the City of Olivette has adopted the following two (2) documents developed by the Saint Louis Metropolitan Sewer District as reference resources for acceptable practices and tools to manage stormwater, as may be revised from time to time:

1. Site guidance design. Tools for incorporating post-construction stormwater quality protection into concept plans and land disturbance permitting. Revision 1, April 17, 2009
2. Landscape Guide for Stormwater Best Management Practice Design. **Rev 1, August 2010.** Copies of the adopted documents are on file in the office of the Director of Public Services. In addition to the adopted documents, the Planning and Community Design Commission may accept the utilization of other Best Management Practices if the applicant can satisfactorily show the Commission and that the Commission determines that said practice will equally facilitate the principles and practices outlined in Section 422.060.
3. **Stormwater Best Management Practices Post-Construction Recommendations. Recommendations and models compatible with MSD Site Design Guidance.**

Article IV. Review and Approval

Section 422.070. Concept Stormwater Management Plan.

- A. Intent And Purpose. The evaluation of a Concept Stormwater Management Plan is intended to ensure the adequate review and consideration of potential stormwater management impacts of proposed site alterations upon the surrounding uses, activities, properties, the existing stormwater infrastructure, and the watershed, and that the site alterations adhere to the principles and acceptable practices outlined in Section 422.060.

In addition, the Concept Stormwater Management Plan shall illustrate how the proposed site alternations will:

- a. Preserve and/or protect existing natural resources areas that facilitate pollutant removal and reduce runoff.
- b. Limit disturbance and preserve existing pervious surface areas and sensitive areas such as flood plains and stream buffers.
- c. Reduce the amount of impervious surface area. (i.e., rooftops, parking lots, sidewalks, roads, etc.)
- d. Disconnect the stormwater flow generated from impervious surface areas from the MSD built stormwater infrastructure system and utilize overland flow to vegetated buffers and other "green" infrastructure techniques that promote infiltration.
- e. Use pervious surface materials, such as permeable paver blocks, porous asphalt, porous concrete and green roofs.
- f. Install engineered systems that treat stormwater runoff and/or reduce peak stormwater runoff rates using techniques that employ vegetation and infiltration. Underground structural techniques should be used as a last resort.

Section 422.000 Concept Stormwater Management Review and Approval Required

Section 422. Applicants.

- A. Applications for a proposed development requiring Concept Stormwater Management Plan Review may be filed by any person with a financial, contractual or proprietary interest in the property proposed to be developed ("applicant").
- B. The Applicant is advised to consult with the **City Planner** regarding procedural requirements prior to the preparation of the application to expedite the review of the application and minimize delays.
- C. The application shall be made on forms prescribed by the City and shall be accompanied by a filing fee in accordance with Schedule I Land Use Fees being part of Title IV: Land Use of the Olivette Municipal Code.

Section 422.000 Review and Approval Required

- A. The review and approval of the Planning and Community Design Commission shall be required prior to the issuance of any permit for the erection, construction, relocation, or enlargement of the following:
1. Lots with new single family home construction;
 2. Improvements with site coverage 1,200 or greater;
 3. Improvements on lots exceeding 40% of proposed site coverage;
 4. Non-single family development which requires a MSD Permit.

5. Accessory structures exceeding 25% of the rear yard area, however, accessory structures not exceeding the first four requirements will not be charged a Stormwater review fee.

Section 422.000 Concept Stormwater Management Plan Design Criteria and Placement

- A. Volume to be Detained and Retained
 1. New construction or reconstruction on residential lots must capture the equivalent of the runoff generated on the proposed roof area.
 2. Improvements with site coverage 1,200 square feet or greater must capture the equivalent of the runoff generated on the proposed impervious surface area.
 3. Improvements with site coverage exceeding 35% of the proposed site coverage must capture the equivalent of runoff generated on 30% of the total impervious surface area.
 4. The volume to be capture for accessory structures not exceeding the requirements above will be determined by the Department of Planning and Community Development.

- B. In addition to the acceptable practices outlined in Section A. each Concept Stormwater Management Plan should abide by the following:
 1. Unless stated otherwise, Stormwater management facilities shall be designed for a 15-year 20-minute storm event.
 2. Discharge locations shall be located no less than 10-feet from a property line with the exception of downspouts and sump pumps releasing from a wall directly enclosing the home.
 3. The Concept Stormwater Management Plan may use alternative Stormwater management facilities to satisfy the requirement in Section (a) if the application shows the application of the Stormwater management facilities have retained said amount within other drainage areas onsite, on contiguous properties that have direct impacts on the subject site, or contiguous properties that the subject lot has a direct impact on.
 4. Permeability Report. Soil conditions Soils in Hydrologic soil grounds C, D, or a combination with C or D may be required to provide additional soil amendments for increased infiltration rates.

Section 422.000 Stormwater Management Inspections

An individual designated by the Director the Department of Planning and Community Development must inspect each Commission approved best management practice under construction as needed to certify the system's compliance with approved plans. The inspector must conduct each inspection as set forth by the Department of Planning and Community Development for each type of Stormwater management system. Inspections will be the responsibility of the applicant or property owner. The inspections may be required for the following:

To ensure compliance with an accepted Stormwater or Commission approved Stormwater Management Plan;

To conduct sampling of any vegetation, permeability, or materials at any property;

To ensure all Stormwater facilities are operational to the maximum extent practicable;

To determine compliance with requirements of approved construction plans; and

To determine compliance with requirements of maintenance plans.

Maintenance

All Stormwater facilities approved by the Commission shall be owned and maintained by the property owner. All Commission approved Stormwater facilities shall comply with all provisions of this article.

Inspections every two years by an engineer or licensed Stormwater consultant.

The City of Olivette

- B. Submission Requirements. Submission requirements for the Concept Stormwater Management Plan shall be in accordance with the standards identified in **Section 400.1080**.

1. The Concept Stormwater Management Plan may be incorporated into other documents identified in **Section 400.1080**, if in the opinion of the Director of Public Services, there will be sufficient detail provided.
- C. Review Procedure. Applications shall be reviewed in accordance with the review procedures identified in **Section 400.1090**.
- ~~1. Staff review. The applicant is advised to consult with the Director of Public Services regarding procedural requirements prior to the preparation of the site plan to expedite the review of the application and minimize delays. The Director of Public Services and the applicant will review the Concept Stormwater Management Plan and discuss the application and compliance of the Concept Stormwater Management Plan and the proposed site alterations with the principles and acceptable practices outlined in Section 422.060.~~
 - ~~2. At the time of application for site alterations, the applicant shall submit a Concept Stormwater Management Plan in accordance with Subsection (B), submission requirements. The Director of Public Services shall prepare a report to the Planning and Community Design Commission concerning compliance of the proposed plan and the proposed site alterations with the principles and acceptable practices outlined in Section 422.060.~~
 - ~~3. The review of the Concept Stormwater Management Plan shall be conducted by the Planning and Community Design Commission. The Commission shall review and make a determination on compliance of the Concept Stormwater Management Plan with the principles and acceptable practices outlined in Section 422.060.~~
 - ~~4. The Commission shall not approve an application for site alterations unless it determines that the applicant's Concept Stormwater Management Plan so complies. Any finding of non-compliance is subject to review as provided by the City's regulations pertaining to the particular nature of the application for site alterations.~~

Section 422.080. Integration With Site Plan Review Procedures and MSD Stormwater Quality Review.

Before an application for a building permit is submitted for a site alteration, except single-family site alterations, the application for site alterations, including the site plan documents and Concept Stormwater Management Plan approved by the Planning and Community Design Commission, must be reviewed and approved by the St. Louis Metropolitan Sewer District.

Section 425.040 Submission Requirements

- A. Single-Family and Attached-Single Family Reviews. Applications for single-family and attached single family improvements with footprints 1,200 square feet or greater shall be made on forms prescribed by the City and shall be accompanied by a filing fee designated by City ordinance.
 1. Include three (3) paper copies and an electronic copy that satisfy the outlined data in the petition for single-family home review for new construction.
- B. Single-Family and Attached-Single Family Reviews. Applications for single-family and attached single family improvements with footprints less than 1,200 square feet shall be made on forms prescribed by the City and shall be accompanied by a filing fee designated by City ordinance.
 1. Include three (3) paper copies and an electronic copy that satisfy the outlined data in the petition for single-family review for additions and accessory structures.
- C. Nonresidential Reviews. The application shall be made on forms prescribed by the City and shall be accompanied by a filing fee designated by City ordinance.
 1. Include five (5) paper copies and an electronic copy that satisfy the outlined data in the petition for nonresidential development review.

Section 425.040 ~~Submittal~~ **Submission** Requirements

1. Applications for Community Design Review shall be provided in accordance with the submission requirements of Article XI.

Section 425.050 Review Procedure – Single-Family Residential Structures.

- A. ~~The Commission shall prepare and apply design review guidelines for single-family residential buildings and structures, which said guidelines shall be approved by the Council and which may be amended from time to time. The guidelines shall be maintained by the Planning and Zoning Administrator who shall distribute same without charge on request to any applicant or other interested person.~~
- B. ~~On receipt of an application under this Section, the Planning and Zoning Administrator, within ten (10) business days, shall review the application and inform the applicant of any filing deficiencies. If the application is complete, within ten (10) business days, the Planning and Zoning Administrator shall evaluate the application using the Commission's design review guidelines. The Administrator shall then take one (1) of the following actions:~~
 1. ~~If the Administrator finds that the application meets the guidelines, the Administrator shall forward the application to the Commission for consent agenda consideration as provided in Subsection (C)(1)(a) hereof.~~
 2. ~~If the Administrator finds that the application does not meet the guidelines, the Administrator shall inform the applicant of any perceived design deficiencies.~~
 - a. ~~If the applicant disagrees with the Administrator's evaluation, the applicant may request that the application be forwarded to the Commission for consideration as provided in Subsection (C)(1)(b) hereof.~~
 - b. ~~In the alternative, the applicant may revise the application, after which the Administrator shall have ten (10) business days to evaluate same and to forward the revised application to the Commission either for consent agenda consideration as provided in Subsection (C)(1)(a) hereof or for consideration as provided in Subsection (C)(1)(b) hereof.~~
- C. ~~The Planning and Zoning Administrator shall forward the application to the Commission along with a written evaluation thereof, including such recommendations as the Administrator deems appropriate.~~
 1. ~~On receipt of an application and evaluation from the Administrator:~~
 - a. ~~If the Administrator has found that the application meets the guidelines, the Commission shall place the application on a consent agenda, by which the Commission may approve the application, either alone or together with similarly-situated applications. Any member of the Commission may move for the removal of an application from the consent agenda by specifying any characteristic of the application that the member believes does not comply with one (1) or~~

~~more of the guidelines. If the motion to remove passes, the application shall be removed from the consent agenda and shall be considered as provided in Subsection (C)(1)(b) hereof.~~

~~b. If the Administrator has found that the application does not meet the guidelines, or if the application has been removed from the consent agenda, the Commission shall review the application by considering the guidelines, the application, the Administrator's evaluation, the applicant's response, and any allowed public comment.~~

~~2. After its review the Commission shall approve or deny the application. In approving an application the Commission may impose conditions and restrictions on the approval, which shall be enforced by the Administrator.~~

~~3. Unless an extension of the time for review is requested in writing by the applicant, failure of the Commission to act within sixty (60) days of the date of the meeting at which the application is first considered shall constitute approval.~~

425.060 Review Procedure—All Other Structures

~~A. On receipt of an application under this Section, the Planning and Zoning Administrator shall promptly review the application for completeness in accordance with the requirements of this Section and within ten (10) business days of such receipt shall advise the applicant of any deficiencies. Following receipt of a complete application, addressing any comments of the Administrator, the Commission shall review the application submitted in accordance with this Section and the site plan review procedures outlined in Chapter 400 Zoning Regulations at the Commission's next regularly scheduled meeting. Unless an extension of the time for review is requested in writing by the applicant, failure of the Commission to act within one hundred twenty (120) days of the date of said meeting shall constitute approval.~~

B. With respect to the erection, improvement, or alteration of commercial, industrial, institutional or multiple dwelling buildings and structures, the design thereof shall be in the interest of the public health, welfare, safety and morals, and avoids a scale or mass that dominates or overshadows property in the surrounding area, with respect to the following factors:

1. Chapter 428 Community Design—Olive Boulevard Corridor;
2. All other structures and improvements with respect to:
 - a. Use of space.
 - (1) Ratio of structure(s) to the building site.
 - (2) Position of structure(s) and other improvements on the site.
 - (3) Compatibility of structure(s) and other improvements to adjoining properties and streets.
 - (4) Landscaping.
 - (5) Effective screening, such as fences, walls and/or landscaping.
 - (6) Parking facilities.
 - (7) All other factors contributing to the most desirable use of space.

- b. Design.
 - (1) Plans and elevations.
 - (2) Style, color, material and texture.
 - (3) Compatibility to the site and to adjoining properties.
 - (4) Signs as related to proposed structure(s) and compatibility with adjoining properties.
 - (5) Landscaping, fences, garden walls and entrances.
 - (6) Other factors pertaining to overall design and appearance.

- c. Future development.
 - (1) Proposed highways.
 - (2) Street widening(s).
 - (3) Public buildings, schools and churches.

- (4) Parks, parkways and other proposed or contemplated developments.
- C. The Commission shall approve or deny an application under this Section. In approving an application the Commission may impose conditions and restrictions on the approval so long as the Commission finds that the conditions set forth in this Section have been satisfied.