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Article I.

Community Design Regulations.

55.010. Definitions. As used in this Article, the terms below shall have the following respective meanings:

Acceptable material finishes. The City of Olivette has determined that the following exterior finishes for a single family home can be approved administratively: standard brick or stone veneer, hardboard siding, fiber cement, stucco, drivit or EIFS, horizontal aluminum siding, vertical and horizontal vinyl siding, and any hard wood based siding, excluding plywood and soft woods such as cedar.

Exterior structural alteration. Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams, or girders which is visible from the exterior of a building or structure, or any substantial change in the roof or in exterior walls of a building or structure.

Gross floor area. The area described by the sum of the horizontal surfaces of the floors of a building or structure measured from the exterior faces of the exterior walls.

55.020. Review and Approval Required. Except as provided in this Article, the review and approval of the Planning and Community Design Commission (the Commission) shall be required prior to the issuance of any permit for the erection, construction, conversion, relocation, or enlargement of or for any exterior structural alteration to any of the following:

- (a) Detached and attached single family dwellings, excluding building additions less than 150 square feet;
- (b) Any material finish proposed for the building exterior that is not listed as an acceptable material finishes.
- (c) Accessory structures consisting of 250 square feet or more; or
- (d) Commercial, industrial, institutional, or other nonresidential uses; or
- (e) Attached single-family dwellings and multifamily dwellings containing four (4) or less units; or
- (f) Billboards as defined by Section 225.020(m).

55.025. Exceptions to Requirement of Review and Approval. Unless the Building Commissioner determines otherwise, the following items shall not require approval of the Commission under this article:

- (a) Decks;
- (b) Above and below ground swimming pools;
- (c) Conversion of carports;
- (d) Screened porches;
- (e) Satellite dishes;
- (f) Ornamental fences which comply with requirements of Section 40.440 of the Municipal Code;

- (g) Additions to commercial or industrial buildings which comply with requirements of the zoning ordinance and which do not require provision of additional parking or loading spaces; and
- (h) Accessory structures containing less than two hundred fifty (250) square feet.

55.030. Submittal Requirements. Application for review and approval under this Article shall be made to the Building Commissioner at least fifteen days (15) for single family residential additions, exterior alterations, and residential accessory structures and thirty (30) days for all other permits prior to a regularly scheduled meeting of the Commission on forms prescribed by the City and shall be accompanied by a filing fee designated by the City and three (3) copies of the following supporting documents for staff review:

- (a) A plot plan drawn to an appropriate scale identifying the location of the site and depicting the location of structures and improvements and required off-street parking and loading areas;
- (b) Typical elevations of proposed buildings or structures depicting height and mass, style, color, texture, and materials;
- (c) Signage and lighting plans and details, if new or altered signage or lighting is proposed; and
- (d) A planting and landscaping plan depicting location, type, and size of proposed plant materials, ground cover, and site amenities.

55.040. Review Procedure, Single-Family Residential.

(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. The applicant shall then submit a total of fifteen (15) copies of the complete application. Within ten (10) business days of receipt of same 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.

55.050. 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 application of any deficiencies. Following receipt of a complete application, which shall include submittal by the applicant of an additional fifteen (15) copies of the application and plans addressing any comments of the administrator, the Commission shall review the application submitted in accordance with this section 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 sixty (60) 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 harmonious and consistent with the property in the surrounding area, with respect to the following factors:

1. Use of space.
 - a. Ratio of structure(s) to the building site.
 - b. Position of structure(s) and other improvements on the site.
 - c. Relation of structure(s) and other improvements to adjoining properties and streets.
 - d. Landscaping.
 - e. Effective screening, such as fences, walls and/or landscaping.
 - f. All other factors contributing to the most desirable use of space.

- g. Parking facilities.
2. Design.
- a. Plans and elevations.
 - b. Style, color, material and texture.
 - c. Relation to the site and to adjoining properties.
 - d. Signs as related to proposed structure(s) and adjoining properties.
 - e. Landscaping, fences, garden walls and entrances.
 - f. Other factors pertaining to overall design and appearance.
3. Future development.
- a. Proposed highways.
 - b. Street widening(s).
 - c. Public buildings, schools and churches.
 - d. 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.

55.060. Reserved.

55.070. Community Design Review Appeals.

(a) Any aggrieved party may appeal any determination by the Commission under this article to the City Council. Said appeal shall be made in writing, within fourteen (14) days of the Commission's decision, and shall specify the nature of the party's interest and the grounds of the appeal. The Council may dismiss the appeal on motion duly adopted if it determines that the appealing party lacks standing to challenge the Commission's decision.

(b) The Council shall consider the application at its next regular meeting, but not sooner than fourteen (14) days following the date of the Commission's decision. The Council shall review the application by considering the guidelines, the application, the appeal of the aggrieved party, the administrator's evaluation, the applicant's response, the Commission's determination, and any allowed public comment.

(c) The Council shall then approve or deny the application, and in doing so the Council may impose conditions and restrictions on the approval so long as the Council finds that the conditions set forth in this section have been satisfied. The Council may overrule the Commission's determination only by a three-fourths (3/4) vote of its full membership.

55.080. Reserved.

55.090. Penalty for Violation. Any person, firm or corporation violating or causing to be violated any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) for each offense; and each and every day such violation continues and exists the same shall constitute a separate offense.