

BILL NO. 2891

ORDINANCE NO. 2777

AN ORDINANCE TO AMEND THE MUNICIPAL CODE RELATING TO CERTAIN ZONING REGULATIONS

WHEREAS, the Board of Aldermen has deemed it appropriate to amend the Municipal Code to amend certain zoning regulations.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF EUREKA, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1:

Section 23-18(i)(1) of the Eureka Municipal Code is hereby repealed, and a new Section 23-18(i)(1) is hereby enacted in lieu thereof, which shall read as follows:

All uses for “C” districts listed in Section 23-90 and 23-91 may be considered for location in “M-1” and “M-2” Districts described in Article XI and Article XII of Chapter 23 respectively, as either permitted or special uses.

SECTION 2:

Sections 23-31(n), 23-37.2(o), 23-41(o), 23-51(o) and 23-61(o) of the Eureka Municipal Code are hereby repealed in their entirety.

SECTION 3:

Section 23-151 of the Eureka Municipal Code is hereby repealed, and a new Section 23-151 is hereby enacted in lieu thereof, which shall read as follows:

Section 23-151 Interpretation of Specific Requirements.

The parking requirements in section 23-150 are in addition to space for storage of trucks or other vehicles used in connection with any use.

The parking requirements in this article do not limit special requirements which may be imposed with planned unit developments (PC, PI and CUP), or special uses.

Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

Except as otherwise provided, the number of employees shall be compiled on the basis of the maximum number of persons employed on the premises at one time on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.

The parking space requirements for a use not specifically listed in Section 23-150 shall be determined by the Board of Aldermen. In the case of mixed uses, uses with different parking requirements occupying the same building or premises or in the case of joint use of a building or premises by more than one (1) use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

Whenever a building is enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need under the requirements of this article for an increase in parking spaces of twenty-five percent (25%) or more, such additional spaces shall be provided on the basis of the change or enlargement. No additional spaces shall be required for the first change or enlargement which would result in an increase of spaces of less than twenty-five percent (25%) of those required before the change or enlargement. This exception shall not apply to a series of changes or enlargements which together result in a need for an increase in parking spaces of twenty-five percent (25%) or more.

"Square feet" shall mean the floor area or space within the outside line of walls and includes the sum of all floors of a building. It shall not include porches, garages or space in a basement or cellar when such basement or cellar space is used for storage or incidental uses.

SECTION 4:

Section 23-152 of the Eureka Municipal Code is hereby repealed, and a new Section 23-152 is hereby enacted in lieu thereof, which shall read as follows:

Section 23-152 Joint Use and Off-site Facilities.

All parking spaces required herein shall be located on the same lot with the building or use served; except, that where an increase in the number of spaces is required by a change or enlargement of use or for nonresidential uses, the required spaces may be located and maintained not more than five hundred (500) feet from the building served, upon approval of the Board of Aldermen.

Up to fifty percent (50%) of the parking spaces required for (a) theaters, public auditoriums, bowling alleys, dance halls and night clubs, and up to one hundred percent (100%) of the parking spaces required for a church auditorium may be provided and used jointly by (b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those uses listed in (a) and up to one hundred percent (100%) of parking spaces required for schools may be provided and used jointly by a church auditorium; provided, that written agreement thereto is properly executed and recorded as specified below.

SECTION 5:

Section 23-153(c) of the Eureka Municipal Code is hereby repealed, and a new Section 23-153(c) is hereby enacted in lieu thereof, which shall read as follows:

(c) *Drainage and Maintenance.* Off-street parking facilities shall be drained so as to eliminate

standing water and not cause damage to adjacent public and/or private property. All off-street parking and loading shall be maintained as free as practicable from dust, paper, other loose particles, snow, ice and sleet. All signs, markers and parking location markings shall be maintained in a neat and legible condition. The surfacing of all off-street parking and loading facilities shall be maintained in good condition. All plantings, screenings and structures shall be maintained in good condition.

SECTION 6:

Section 23-153(d) of the Eureka Municipal Code is hereby repealed in its entirety.

SECTION 7:

Section 23-153(k) of the Eureka Municipal Code is hereby repealed in its entirety.

SECTION 8:

Section 23-156 of the Eureka Municipal Code is hereby repealed in its entirety.

SECTION 9:

Section 23-157 of the Eureka Municipal Code is hereby repealed in its entirety, and a new Section 23-157 is hereby enacted in lieu thereof, which shall read as follows:

Building and structures not meeting the requirements contained herein, for which application has been made for a building permit, shall not be granted a building permit unless a variance has been granted by the Board of Adjustment.

SECTION 10:

Section 23-158 of the Eureka Municipal Code is hereby repealed in its entirety, and a new Section 23-158 is hereby enacted in lieu thereof, which shall read as follows:

Section 23-158 Enforcement.

- (a) It shall be the duty of the Building Commissioner to carry out and enforce the provisions of this article.
- (b) The Building Commissioner may grant a conditional or temporary occupancy permit for buildings or structures that have not completed construction of the parking lot when, in the opinion of the Building Commissioner, substantial temporary hardship is shown, such as seasonal weather conditions; provided, that the owner and/or occupant certifies in writing that he will expeditiously complete construction within a reasonable specified period of time, as determined by the Building Commissioner.

SECTION 11:

Section 23-160 of the Eureka Municipal Code is hereby repealed in its entirety, and a new Section 23-160 is hereby enacted in lieu thereof, which shall read as follows:

Section 23-160 Architectural Conformity.

Every single-family dwelling erected within the city shall conform to the minimum ground floor area requirements contained in the table below. The measurement of the minimum ground floor area shall be determined by the area exclusive of utility rooms, unroofed porches, unenclosed roofed porches and garages. Indoor plumbing and toilet facilities shall be provided for sanitation in all occupied buildings within the city; provided, however, that upon application the planning and zoning commission may except from this requirement freestanding commercial buildings of one hundred (100) square feet or less. The architecture and general appearance of all buildings shall be in keeping with the character of development in the neighborhood in which the building is proposed.

Zoning District	Single-Family Minimum Ground Floor Area
R-1	1,000 sq. ft.
R-2	900 sq. ft.
R-3	850 sq. ft.
R-4	750 sq. ft.
R-5	750 sq. ft.

SECTION 12:

Section 23-165(c) of the Eureka Municipal Code is hereby repealed in its entirety.

SECTION 13:

Section 23-168 of the Eureka Municipal Code is hereby repealed in its entirety, and a new Section 23-168 is hereby enacted in lieu thereof, which shall read as follows:

Section 23-168 Short-term Rentals Prohibited

No single-family dwelling located on any lot, tract of land, parcel of ground in a residential zoning district classification shall offer or provide a guest room within it for short-term rental purposes that accommodate a transient guest or guests.

SECTION 14:

Section 23-180 of the Eureka Municipal Code is hereby repealed in its entirety, and a new Section 23-180 is hereby enacted in lieu thereof, which shall read as follows:

Section 23-180 Processing of Permitted Uses and Developments.

(a) Process A. Simplified Review. Unless the Building Commissioner deems review by the Planning and Zoning Commission to be appropriate, a site plan may be reviewed by and a decision

rendered by the Building Commissioner, subject to all other applicable requirements, without the requirement for additional review by the Commission in the following circumstances:

1. Construction constituting less than ten thousand (10,000) square feet of exterior area of the site;
2. Alteration of parking design affecting ten percent (10%) or less of the existing parking space;
3. Any other change having no significant impact on parking, traffic or aesthetics where the review is primarily ministerial.

All other site plans shall be submitted for review and decision by the Planning and Zoning Commission as otherwise provided in this Article. The Building Commissioner shall apply the ordinances of the City and the review requirements otherwise applicable in reviewing or rendering a decision in any Simplified Review under this Section. Any site plan denied under this Simplified Review shall, if the applicant is aggrieved, be resubmitted for Standard Review as provided herein within ten (10) days of such denial.

(b) Process B. Standard Review. The site plan shall be submitted with the application for site plan approval to the Building Commissioner who shall institute an administrative review of the site plan by all affected City departments. The results of this review shall be compiled by the Building Commissioner and shall be reported by him/her to the Planning and Zoning Commission for its consideration. Upon receiving the site plan application, and associated documents from the Building Commissioner, the Planning and Zoning Commission shall complete its review of the site plan and shall render a decision on the application either denying, approving or approving with conditions. The site plan application, along with the Planning and Zoning Commission's action and reasoning, shall be forwarded to the Board of Aldermen as an informational item, where it shall be its option to either require a further review and approval of the site plan at the Board level, or concur with the Commission by taking no further action.

(c) No buildings, facilities, establishments or service concerns may occupy or use any portion of the subject tract until the required improvements are constructed or a performance bond or escrow agreement is posted covering construction of improvements as determined by the Building Commissioner. If the development is to occur in sections, all improvements necessary to the proper operation and functioning of the section, even though same may be located outside the section, must be constructed and installed, or a performance bond or escrow agreement posted covering the estimated cost of improvements, as determined by the Planning and Zoning Commission.

(d) Every single-family dwelling hereafter erected or structurally altered shall be located on a separate lot or tract, and in no case shall there be more than one (1) single-family dwelling on one (1) lot or tract except for accessory buildings or uses, as defined herein, and except for any structure authorized as part of a planned or special district or similar procedure requiring submission to the Planning and Zoning Commission of a site plan for review and approval.


SECTION 15:

All ordinances, parts of ordinances or provisions of the Municipal Code of the City of Eureka in conflict with any provisions of this ordinance are hereby repealed.

SECTION 16:

This ordinance shall be in full force and effect from and after its date of passage and approval.

PASSED AND APPROVED THIS 16th DAY OF April, 2024.


Sean M. Flower, Mayor

ATTEST:


Julie Wood, City Clerk

