

1003.145 "C-8" Planned Commercial District.

1. Scope of Provisions.

This section contains the district regulations of the "C-8" Planned Commercial District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter which are incorporated as part of this section by reference. The Planned Commercial District may be described in the manner outlined below.

2. Purpose.

The "C-8" Planned Commercial District encompasses areas where developments and uses permitted in any of the other "C" Commercial Districts may be located. It is the purpose of these regulations to facilitate the establishment of combinations of developments and uses for which no provision is made in any other single "C" Commercial District, or the establishment of developments and uses in locations appropriate under approved site plans and conditions. Such approved plans and conditions shall be consistent with good planning practice and compatible with permitted developments and uses in adjoining districts, so as to protect the general welfare.

3. Establishment.

- (1) A Planned Commercial District may be established on a tract of land in single ownership or management control provided that (a) the preliminary development plan and the application for change of zoning are approved by the County Council; (b) a site development plan is approved by the Planning Commission and recorded in compliance with requirements of this section; and (c) that the schedule of construction is complied with in accordance with the requirements of this section.
- (2) A Planned Commercial District may be established by ordinance of the County Council in the same manner that other mapped districts are established where the County Council determines that any particular tracts or areas should be developed for commercial use, but because of possible conflicts with adjoining uses, more development control is necessary to protect the general welfare than is possible under the regulations of the other "C" Commercial Districts.
- (3) A Planned Commercial District shall not be established on any tract of land less than one (1) acre that has a common property line with any "R" Residence District and does not have a common property line with any "C" Commercial or "M" Industrial District. However, this requirement shall not apply to properties of less than one (1) acre which are in a "C" Commercial or "M" Industrial District.

4. Permitted Land Uses and Developments.

The following land uses and developments are permitted in this District:

- (1) Subject only to approval of a site development plan by the Planning Commission:
 - (a) Police, fire, and postal stations.
 - (b) Local public utility facilities.
 - (c) Accessory uses incident to the above uses.
- (2) Permitted land uses and developments shall be established in the conditions of the ordinance governing the particular Planned Commercial District; specific uses may include those uses designated as Permitted, Accessory, or Conditional Uses in any of the "C" Commercial Districts. A telecommunications tower is permitted only if the conditions name such a use as permitted. (O. No. 18420 - Adopted 3/20/97).

5. Performance Standards.

All uses established in a Planned Commercial District shall operate in accord with performance standards contained in Section 1003.163 Zoning Performance Standard Regulations. These performance standards are minimum requirements and may be made more restrictive in the conditions of the Ordinance governing the particular Planned Commercial District.

6. Height Limitations for Structures.

Unless otherwise restricted by application of regulations in Section 1003.161 Air Navigation Space Regulations, the total height of any structure shall be limited by the conditions of the Ordinance governing the particular Planned Commercial District.

7. Lot Area, Development Limitation, and Yard Requirements.

The lot area, development limitation, and yard requirements for land uses in this District shall be as follows:

(1) Minimum Lot Area.

No minimum lot area shall be required for this District, but lot dimensions shall be sufficient to meet other requirements set forth in this section or in the conditions of the ordinance governing the particular Planned Commercial District.

(2) Development Limitations.

Not more than one dwelling unit per each 12,000 square feet of lot area designated for such use shall be permitted in structures containing offices with affiliated dwelling units.

(3) Minimum Yard Requirements: General.

Setbacks for parking areas, internal drives, loading spaces, and structures shall be established in the conditions of the ordinance governing the particular Planned Commercial District.

(4) Particular Yard Requirements.

- (a) No parking area, internal drive, loading space, or structure shall be permitted within ten (10) feet of a property line adjoining property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" Residence District. In addition to the minimum ten (10) feet, any structure exceeding thirty (30) feet in height which adjoins property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" Residence District shall be set back an additional one (1) foot for every two (2) feet in height above thirty (30) feet. Greater setbacks may be required by condition if necessary to ensure compatibility with adjoining developments or uses.
- (b) Boundary walls or fences, six (6) feet in height or less, are permitted within the minimum yard requirements, unless otherwise restricted in the conditions of the ordinance governing the particular Planned Commercial District.
- (c) Notwithstanding any other provisions of this Chapter, telecommunication towers shall not be closer to a "PS" Park and Scenic District, "NU" Non-Urban District or "R" Residence District property than a distance equivalent to the height of the proposed telecommunication tower. A greater setback may be required by the conditions of particular Planned Commercial District. (O. No. 18420 - Adopted 3/20/97).

8. Off-Street Parking and Loading Requirements.

The minimum off-street parking and loading requirements for any use or building in a Planned Commercial District shall not be reduced below that required for the same use in any other "C" Commercial District as set forth in Section 1003.165 Off-Street Parking and Loading Requirements. These requirements may exceed minimum standards as required by condition where determined necessary. However, where the Planned Commercial District includes two or more uses, the Planning Commission may recommend, and the County Council may approve, a total reduction of not more than twenty (20) percent, or thirty (30) percent for developments greater than 500,000 square feet in gross floor area under single ownership or management control, of the required off-street parking and loading spaces, where it has been demonstrated by study of the combined uses and customary operation of the uses that adequate parking would be provided.. The Planning Commission may recommend a further reduction beyond thirty (30) percent for developments greater than 750,000 square feet of gross floor area under single ownership or management control based on a similar approved study as above.

9. Sign Regulations.

Specific sign regulations shall be established in the conditions of the ordinance governing the Planned Commercial District in accord with the provisions of Section 1003.168 Sign Regulations. However, in no instance shall these requirements be less restrictive than sign regulations for any of the other "C" Commercial Districts.

10. Procedure for Establishment of C-8 or Approval of Site Plan in Existing "C-8".

In order to establish a Planned Commercial District through a change of zoning, or to obtain approval of a site development plan in order to utilize land in an established Planned Commercial District, the procedure shall be as follows:

(1) Application.

The owner or owners of record, or owners under contract of a lot or tract of land, or their authorized representatives, shall petition the County Council on forms prescribed for this purpose by the Planning Commission. These forms are to be submitted to the Department of Planning and accompanied by the following:

- (a) Filing fee per requirements of Section 1003.210 Fees;
- (b) Legal description of the property;
- (c) Outboundary plat of the property;
- (d) Preliminary Development Plan, depicting but not limited to the following:
 - (i) Proposed uses. In single lot developments approximate location of buildings and other structures as well as parking areas shall be indicated. In multiple-lot developments, conceptual location and configuration of buildings, approximate locations of common ground areas, major utility easements, and storm water retention areas shall be indicated.
 - (ii) Existing and proposed contours at vertical intervals of not more than five (5) feet referred to sea level datum. Flood plain areas shall be delineated.
 - (iii) Approximate location of all isolated trees having a trunk diameter of six (6) inches or more, all tree masses, and proposed landscaping.
 - (iv) Two section profiles through the site showing preliminary building form, existing natural grade, and proposed final grade.
 - (v) Proposed ingress and egress to the site, including adjacent streets, and approximate alignments of internal roadway systems.
 - (vi) Preliminary plan for sanitation and drainage facilities.
 - (vii) Preliminary plan for stormwater quality control measures. (O. No. 23553 - Adopted 3/31/08).

(viii) Stream buffer areas. (O. No. 23553 - Adopted 3/31/08).

- (2) **Public Hearing.**

A public hearing on the petition shall be held by the Planning Commission in accordance with the provisions of Section 1003.300 Procedure for Amending the Zoning Ordinance, provided, however, a public hearing shall be set within forty-five (45) days of acceptance of the petition, fee, and related plan and documents by the Department of Planning.
- (3) **Planning Commission Recommendation.**

No action shall be taken by the County Council with respect to the petition until it has received the recommendation of the Planning Commission. The recommendation shall address general planning considerations, including consistency with good planning practice, and compatibility with adjoining permitted developments and uses. A recommendation of approval shall include recommended conditions to be included in the ordinance authorizing the establishment of the Planned Commercial District or approval of the site development plan in a Planned Commercial District. Such conditions shall include, but not be limited to, the following:

 - (a) Permitted uses, including maximum floor area;
 - (b) Performance standards;
 - (c) Height limitations;
 - (d) Minimum yard requirements;
 - (e) Off-street parking and loading requirements;
 - (f) Sign regulations;
 - (g) Minimum requirements for site development plans;
 - (h) Time limitations for commencement of construction.
- (4) **Site Development Plans.**
 - (a) After passage by the County Council of an ordinance authorizing the establishment of a Planned Commercial District and requiring submission of a site development plan or site development concept plan, such plans shall be submitted in accord with the following provisions. No building permits or authorization for improvement or development for any use requested under provisions of this Ordinance shall be issued prior to approval of such plans.
 - (b) Plans shall be submitted to the Planning Commission for review and approval. These plans shall contain the minimum requirements established in the conditions of the specific ordinance governing the Planned Commercial District, and further, shall comply with provisions of the Subdivision Ordinance and other applicable County ordinances.
 - (c) Within sixty (60) days of approval, the site development plan or site development concept plan shall be recorded with the St. Louis County Recorder of Deeds, and thereby authorize development as depicted thereon.
 - (d) In the case of single lot/multiple building developments or multiple-lot developments where a site development concept plan is required, site development section plans shall be submitted to the Department of Planning for review and approval per individual building, lot, phase, or plat representing a portion of the site development concept plan. The approved section plans shall be retained on file by the Department of Planning.

11. Procedure for Amendment of Conditions or Plans.

In order to amend the provisions of an existing "C-8" District Ordinance or to amend the recorded site development plan, site development concept plan, or site development section plan approved for the Planned Commercial District, the procedure shall be as follows:

- (1) To Amend the "C-8" District Ordinance:
 - (a) The property owner or authorized representative shall submit a written request to amend ordinance conditions to the Department of Planning for review. The Department shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.

- (b) If the Department of Planning determines that the requested amendment is consistent in purpose and content with the original proposal as advertised, the Department shall so report to the Planning Commission. The Planning Commission shall review the request and the report of the Department, and then forward a recommendation to the County Council. A recommendation of approval shall include conditions to be included in the amended ordinance.
 - (c) If the Department of Planning determines that the requested amendment is not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, the Department shall so report to the applicant and the Planning Commission. The Planning Commission shall then review the proposed ordinance amendment and forward a recommendation to the County Council. The Planning Commission may, if deemed necessary, forward a resolution of intent to the County Council for the purpose of a new public hearing on the matter in accord with the proceedings specified in Section 1003.300 Procedure for Amending the Zoning Ordinance.
 - (d) Amendment of a C-8 ordinance to permit a single telecommunications tower up to one hundred (100) feet in height or a telecommunication tower co-used or disguised support structure of one hundred twenty (120) feet in height does not require a public hearing. (O. No. 18420 - Adopted 3/20/97).
- (2) To Amend the Recorded Site Development Plan or Site Development Concept Plan Approved for the Planned Commercial District:
- (a) The property owner or authorized representative shall submit an amended site development (concept) plan to the Department of Planning for review. The Department shall then evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing, and the preliminary development plan approved by the County Council.
 - (b) If the Department of Planning determines that the proposed amendment to the site development plan is major in nature and is not in conflict with the original proposal as advertised and the approved preliminary development plan, and meets all conditions of the Planned Commercial District Ordinance, said plan shall be reviewed and approved by the Planning Commission. Said amended plan shall be recorded with the St. Louis County Recorder of Deeds within sixty (60) days of Commission approval.
 - (c) If the Department of Planning determines that the proposed amendment to the site development plan is minor in nature and is not in conflict with the original proposal as advertised and the preliminary development plan, and meets all conditions of the Planned Commercial District Ordinance, the Department may approve said amended plan. Said plan shall be retained on file by the Department of Planning.
However, when conditions of a particular Planned Commercial District Ordinance are amended which necessitate an amended site development plan, the Commission shall review and approve said amended plans and they shall be recorded with the St. Louis County Recorder of Deeds within sixty (60) days of Commission approval.
 - (d) If the Department of Planning determines that the proposed amendment to the site development plan is not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, or with the preliminary development plan approved by the County Council, the Department shall so report to the applicant and the Planning Commission. The Planning Commission shall then review the proposed site plan amendment and make a final determination. The Planning Commission may, if deemed necessary, forward a resolution of intent to the County Council for the purpose of a new public hearing on the matter in accord with proceedings specified in Section 1003.300 Procedure for Amending the Zoning Ordinance.
 - (e) All amendments to site development concept plans shall be reviewed and approved by the Planning Commission and shall be recorded with the St. Louis County Recorder of Deeds within sixty (60) days of Commission approval.

- (f) The Planning Commission may approve partial amended site development plans, site development concept plans, and site development section plans for developments approved prior to enactment of this Ordinance when the conditions of the ordinance governing such particular "C-8" Planned Commercial District do not permit review of development plans in accord with the provisions of this section. Such partial amended plans shall be recorded with the St. Louis County Recorder of Deeds within sixty (60) days of Commission approval.

(3) To Amend a Site Development Section Plan Approved for a Planned Commercial District:

If the Department of Planning determines that the proposed amendment to the site development section plan is not in conflict with the approved site development concept plan and meets all conditions of the Planned Commercial District Ordinance, the Department may approve said amended plan. Said plan shall be retained on file by the Department of Planning.

(4) Appeal to Commission of a Decision by the Department in Reviewing Development Plans.

The petitioner/developer may appeal a decision by the Department of Planning, in cases where the Department of Planning is authorized to review development plans, to the Planning Commission. The petitioner shall have a fifteen (15) day period in which to file a written appeal and plan with the Commission. The written appeal, stating the reasons for the appeal, shall be submitted to the Department. The Commission will make the final determination of the matter. No exceptions will be granted that are in violation of the particular ordinance governing the development plan.

12. Guarantee of Improvements.

Unless otherwise provided for in the conditions of the ordinance governing a particular Planned Commercial District, no building permits, or permits authorizing the occupancy or use of a building, facility, commercial establishment, or service concern may be issued until required related off-site improvements are constructed or a performance bond, escrow, or other acceptable instrument is posted covering their estimated cost as determined by the Department of Planning. This requirement shall not apply to foundation permits or permits necessary for the installation of required related off-site improvements. Required related off-site improvements shall include, but not be limited to, streets, sidewalks, sanitary and storm sewers, street lights, and street trees. If a Planned Commercial District is developed in sections, the requirement shall also apply to all major improvements necessary to the proper operation and function of the section in question, even though such improvements may be located outside of the section in question.

13. Failure to Commence Construction.

Substantial construction shall commence within the time period specified in the conditions of the ordinance governing the Planned Commercial District, unless such time period is extended by the Planning Commission. If substantial construction or development does not begin within the time period specified in the conditions of the ordinance governing the district, or extensions authorized therein, the Planning Commission shall within forty-five (45) days initiate a resolution of intent for the purpose of a new public hearing to revert the property to its prior zoning classification in accord with proceedings specified in Section 1003.300 Procedure for Amending the Zoning Ordinance. No building or occupancy permit shall be issued for the development or use of the property until completion of action by the County Council on the proceedings to rezone the property in accord with the provisions of the above noted section.