

1003.157 "MXD" Mixed Use Development District.

1. Scope of Provisions.

This section contains the regulations for the Mixed Use Development 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.

2. Statement of Intent.

The intent of this section is to establish a zoning classification which permits developments including a mixture of residential, commercial, industrial, cultural, and institutional uses in a single structure or multiple structures. It is the purpose of these regulations to encourage a diversification of uses in unified projects located in proximity to major roadways and intersections and through the interrelationship of uses and structures to promote innovative and energy conscious design, efficient and effective circulation systems, a variety of housing types, and to encourage the conservation of land resources, minimization of auto travel, and the location of employment and retail centers in proximity to higher density housing.

3. Permitted Land Uses and Developments.

Permitted land uses and developments shall be established in the conditions of the ordinance governing the particular Mixed Use Development District; specific uses may include uses designated as Permitted, Accessory or Conditional Uses in any of the "R" Residence, "C" Commercial, or "M" Industrial Districts. Each Mixed Use Development District shall include a minimum of twenty (20) percent of the total gross floor area in residential uses, twenty (20) percent of the total gross floor area in retail commercial uses, and twenty (20) percent of the total gross floor area in office or industrial uses. Gross floor area used for parking shall not be included in the above calculations. Gross floor area of hotels may be used for up to fifty (50) percent of the required floor area for residential uses. Gross floor area devoted to institutional, cultural, entertainment, or recreational uses may be used, on a 1 to 1 basis, to reduce the required minimum floor area of any of the three main use categories up to a maximum twenty-five (25) percent reduction. In addition to this approach, where residential development in a proposed MXD is greater than fifty-one (51%) percent of the total gross floor area, the remainder of the development may consist of "C" Commercial uses or "M" Industrial uses or both without limitation as to percentages of gross floor area.

4. Performance Standards.

All uses established in a Mixed Use Development 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 Mixed Use Development District.

5. 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 in the ordinance governing the particular Mixed Use Development District.

6. Lot Area, Residential Density, and Yard Requirements.

The lot area, residential density, and yard requirements for land uses in this district shall be as follows:

- (1) **Minimum Lot Area.**
No minimum lot area is established 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 Mixed Use Development District.
- (2) **Residential Density.**
Residential densities shall be established in the conditions of the ordinance governing the particular Mixed Use Development District but in no event shall the density exceed sixty (60) units per acre of land in the total development excluding land which is utilized for road right-of-way purposes, and excluding right-of-way dedication for widening existing roadways, and including land remaining within the 100 year flood plain elevation, as identified in Section 1003.101 Flood Plain District Regulations. This density restriction, however, shall not apply to hotels.
- (3) **Minimum Yard Requirements: General.**
Setbacks for parking areas and structures shall be established in the conditions of the ordinance governing the particular Mixed Use Development District.
- (4) **Minimum Yard Requirements: Specific Regulations and Exceptions.**
 - (a) No parking areas, internal drives, loading spaces, and structures 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 Mixed Use Development District.

7. Off-Street Parking and Loading Requirements.

The minimum off-street parking and loading requirements for any use or building in a Mixed Use District shall not be reduced below that required for the same use in any other "M" Industrial, "C" Commercial, or "R" Residence District as set forth in Section 1003.165 Off-Street Parking and Loading Requirements. These requirements may exceed minimum standards as required by conditions where determined necessary. However, 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 of 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 parking reduction beyond thirty (30) percent for developments greater than 750,000 square feet of gross floor area under single ownership or management control based upon a similar approved study as above.

8. Sign Regulations.

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

9. Procedure to Establish District.

In order to establish a Mixed Use Development District through a change of zoning, the procedure shall be as follows:

(1) Application.

The owner or owner of record or owners under contract of a lot or tract of land, or their authorized representatives, shall petition the St. Louis County Council on forms prescribed for this purpose by the Planning Commission. These forms shall 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, including but not limited to the following:
 - (i) Proposed uses, including the general location, type, and number of dwelling units; general location, type, and square footage of all other proposed uses; general location and size of parking areas; and approximate locations of common ground areas, major utility easements, and storm water retention areas.
 - (ii) Existing and proposed contours at vertical intervals of not more than five (5) feet referred to sea level datum. Flood plain areas are to 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) Maximum building heights and minimum setbacks for parking and structures.
 - (vi) Proposed ingress and egress to the site, including adjacent streets, and approximate alignments of internal roadway systems.
 - (vii) Preliminary plan for sanitation and drainage facilities.
 - (viii) Preliminary plan for stormwater quality control measures. (O. No. 23553 - Adopted 3/31/08).
 - (ix) Stream buffer areas. (O. No. 23553 - Adopted 3/31/08).
- (e) A written statement noting in what manner the proposed development is consistent with the St. Louis County General Plan policies and the intent of the Mixed Use Development District.
- (f) A written statement reflecting the intensity of the proposed development compared to adjoining development (existing or approved).

(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. Said 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 Mixed Use Development District. Such conditions shall include but not be limited to the following:

- (a) Permitted uses, including maximum floor area and residential density.

- (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) Phasing requirements for each use type included in the development.
 - (i) 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 Mixed Use Development District and requiring submission of a site development plan or site development concept plan, said plans shall be submitted in accord with the following provisions. No building permits or authorization for improvement or development, for any use authorized 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. Said plans shall contain the minimum requirements established in the conditions of the specific ordinance governing the Mixed Use Development District, and further, shall comply with the 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 or multiple-section 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.

10. Procedure to Amend Conditions or Plans.

In order to amend the provisions of an existing "MXD" Mixed Use Development District Ordinance or to amend the recorded site development plan, site development concept plan, or section plan approved for the Mixed Use Development District, the procedure shall be as follows:

- (1) To Amend the "MXD" 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 then 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 then review the request and the report of the Department, 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.

(2) To Amend the Recorded Site Development Plan or Site Development Concept Plan Approved for the Mixed Use Development 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 Mixed Use Development 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 Mixed Use 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 Mixed Use District Ordinance are amended which necessitate an amended site development plan, the Commission shall review and approve said amended plan(s) and it (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 the 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.

(3) To Amend a Site Development Section Plan Approved for a Mixed Use 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 Mixed Use 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 developer may appeal to the Planning Commission from a decision by the Department of Planning, in cases where the Department of Planning is authorized to review development plans.

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 shall make the final determination of the matter. No exceptions may be granted that are in violation of the particular ordinance governing the development plans.

11. Guarantee of Improvements.

Unless otherwise provided for in the conditions of the ordinance governing a particular Mixed Use District, no building permits, or permits authorizing the occupancy or use of a building, facility, industrial or commercial establishment, service concern, or residential use 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 Mixed Use 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.

12. Failure to Commence Construction.

Substantial construction shall commence within the time period specified in the conditions of the ordinance governing the Mixed Use Development 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 of the expiration date 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.

13. Trust Indentures and Warranty Deeds.

In developments where common areas, which may include open spaces, recreational areas, or other common grounds, are provided and the acreage of which is included in the gross acreage for density calculation purposes, a trust indenture shall be recorded simultaneously with the record plat. The indenture shall provide for the proper and continuous maintenance and supervision of said common areas by Trustees to be selected and to act in accordance with the terms of such indenture. The common areas shall be deeded to the Trustees under said indenture by general warranty deed. The trust indenture and warranty deed shall comply with the requirements established in Section 1003.173 Trust Indentures and Warranty Deeds. In addition, the trust indenture shall contain provisions for the maintenance of all common areas and facilities and the means of collecting assessments necessary for the maintenance thereof.