1003.183 Density Development Procedure.


This section contains the regulations of the Density Development Procedure. The 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 in establishing the Density Development Procedure is as follows:

(1) To provide permissive, voluntary, and alternate zoning procedures within the "NU", "R-1", "R-1A", "R-2", "R-3", "R-4", and "R-5" Residence Districts by permitting variations in lot size and design while maintaining the maximum dwelling unit density limitations of the particular Residence District.

(2) Through variation in the zoning requirements to promote economic and energy efficient subdivision design, encourage a variety of housing types, encourage ingenuity and originality in site design, preserve open space, and provide recreation areas within residential developments.


The applicable zoning districts in which the Density Development Procedure may be used and the variations that may be permitted through use of the procedure shall be as set out below:

(1) The Density Development Procedure may be utilized for developments containing five (5) or more lots or units in the "NU", "R-1", "R-1A", "R-2", "R-3", "R-4", and "R-5" Residence Districts. In the "NU", "R-1A", "R-2", "R-3", "R-4", and "R-5" Districts, the Density Development Procedure may be utilized for developments of single family detached dwellings. In the "R-5" District the Density Development Procedure may also be utilized for developments of single family attached dwellings. The subdivision record plat for single family attached subdivisions using the Density Development Procedure shall note that all units in the subdivision shall be single family attached units.

(2) Using the Density Development Procedure, minimum lot sizes and yard setbacks for residential lots for single family detached dwellings may be reduced as follows:

<table>
<thead>
<tr>
<th>ZONING DISTRICT</th>
<th>REQUIRED MINIMUM LOT AREA OF DISTRICT</th>
<th>PERMISSIVE MINIMUM LOT AREA OF DENSITY DEVELOPMENT PROCEDURE</th>
<th>PERMISSIVE YARD SETBACK REQUIREMENT OF DENSITY DEVELOPMENT PROCEDURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;NU&quot;</td>
<td>3 acre</td>
<td>1 acre</td>
<td>as in &quot;R-1&quot; District</td>
</tr>
<tr>
<td>&quot;R-1&quot;</td>
<td>1 acre</td>
<td>22,000 sq. ft.</td>
<td>as in &quot;R-1A&quot; District</td>
</tr>
<tr>
<td>&quot;R-1A&quot;</td>
<td>22,000 sq. ft.</td>
<td>15,000 sq. ft.</td>
<td>as in &quot;R-2&quot; District</td>
</tr>
<tr>
<td>&quot;R-2&quot;</td>
<td>15,000 sq. ft.</td>
<td>10,000 sq. ft.</td>
<td>as in &quot;R-3&quot; District</td>
</tr>
<tr>
<td>&quot;R-3&quot;</td>
<td>10,000 sq. ft.</td>
<td>7,500 sq. ft.</td>
<td>as in &quot;R-4&quot; District</td>
</tr>
<tr>
<td>&quot;R-4&quot;</td>
<td>7,500 sq. ft.</td>
<td>6,000 sq. ft.</td>
<td>as in &quot;R-5&quot; District</td>
</tr>
<tr>
<td>&quot;R-5&quot;</td>
<td>6,000 sq. ft.</td>
<td>5,000 sq. ft.</td>
<td>as in &quot;R-6A&quot; District</td>
</tr>
</tbody>
</table>

Each lot shall provide frontage in accordance with the Subdivision Ordinance of St. Louis County.
(3) The Density Development Procedure in the "R-5" Residence District may authorize attached single-family dwellings with a minimum lot size of 4,000 square feet. The maximum number of units permitted shall be calculated as set out in Subsection 4.(2). Setbacks from property lines shall be as established in the "R-6A" Residence District.

4. Procedures.

Procedures for the application, review and approval of the Density Development Procedure shall be as follows:

(1) Application.

Applications to utilize the Density Development Procedure shall be filed with the Department of Planning and shall be identified as a Density Development Subdivision. The application shall include a statement regarding the proposed development's compliance with the intent of the Density Development Procedure and a site development concept plan certified by a registered surveyor which shall include:

(a) An outboundary plat of the property;
(b) The design of the proposed development;
(c) Existing and proposed contours at vertical intervals of not more than five feet referred to sea level datum. Flood plain areas shall be delineated;
(d) The total area of the development;
(e) The area utilized for roadway right-of-way purposes;
(f) The net area of the development;
(g) The maximum number of lots or units allowable;
(h) The total number of lots or units proposed;
(i) The minimum lot area;
(j) The total area of any common land proposed.
(k) Preliminary plan for stormwater quality control measures. (O. No. 23553 - Adopted 3/31/08).
(l) Stream buffer areas. (O. No. 23553 - Adopted 3/31/08.)

(2) Density Calculations.

Density is calculated by dividing the net area of a tract of land by the minimum lot area per dwelling unit of the underlying zoning district. The net area is calculated by taking the gross area of the site and subtracting any land that is not reclaimed from the floodplain. However, land in the floodplain accepted for park use shall be included as part of the gross area. The number of lots permitted shall be rounded down to the nearest whole number. (O.No. 23931 – Adopted 3/11/09.)

(3) Upon verification that an application to utilize the Density Development Procedure has met minimum application requirements, the Director of the St. Louis County Department of Planning shall forward a report and recommendation to the County Council noting the design of the proposed development and its compliance with the intent of the Density Development Procedure.

(4) Applications approved by the County Council shall be processed in the same manner as any other subdivision, as required by the Subdivision Ordinance of St. Louis County.


Common land and land dedications, to be included in the net acreage of the development for density calculations, shall meet the following requirements:
(1) In Density Development subdivisions common land for open space or recreational use may be set aside for common use by all owners of the residential lots or units in the subdivision and such common land may be included in the total gross acreage used for determining the maximum number of lots or units permitted. Only the following land uses may be set aside as common land for open space or recreational use as provided above:

(a) Private recreational facilities, such as golf courses or swimming pools, which are limited to use of the owners or occupants of the lots located within the subdivision and golf courses located in the NU Non-Urban District or FPNU Flood Plain Non-Urban Districts, over 150 acres, which need not be limited to use of the owners or occupants of lots located within the subdivision; (O.No. 17690 - Adopted 8/14/95.)

(b) Historic building sites or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, low land along streams or areas of rough terrain where such areas are extensive and have natural features worthy of scenic preservation;

(c) Areas of retention or detention of storm water runoff. (O.No. 23931 – Adopted 3/11/09.)

(2) A Density Development may include land designated for dedication for public school or public park use, which land may be considered part of the gross acreage of the development in computing the maximum number of lots that may be created or dwelling units that may be authorized, provided that:

(a) The area of the proposed Density Development is at least 30 acres in the case of a public school dedication and 60 acres in the case of a public park dedication;

(b) No tract of less than 5 acres is designated for dedication for public school use, or 10 acres for public park use. However, a tract of land less than this minimum may be accepted for dedication for public school or public park use, if it is an addition to an existing or proposed park or school site respectively, or is recommended by the Department of Parks and Recreation as a part of a system of hiking and riding trails;

(c) The school district has published a generalized plan for school locations;

(d) The proposed Density Development is recommended for approval by the Planning Director and is approved by the County Council;

(e) The proposed site is dedicated to public school or public park use in a manner approved by the County Counselor as to legal form prior to recording of the subdivision plat;

(f) The School District has agreed to accept the proposed public school dedication and furnishes notification in writing of this action to the Planning Director, prior to the recording of the subdivision plat;

(g) The Department of Parks and Recreation shall make a written recommendation to the Director of Planning regarding the proposed public park dedication prior to approval of the proposed Density Development Procedure by the County Council; (O.No. 17690 - Adopted 8/14/95.)

(h) Prior to the recording of the subdivision plat, a written agreement between the petitioner and the School District shall be submitted to the Planning Director for review and approval. This agreement shall indicate who is responsible for the installation of required improvements and indicate when the improvements will be installed;

(i) The subdivision plat for record identifies the boundaries of the dedicated tract within the Density Development;

(j) The deed of dedication for public park or public school use shall provide that in the event the property shall no longer be used for that purpose it will revert to the trustees of the subdivision in which it is located as common land. The Trust Indenture required in Subsection 6 shall provide for the manner in which the common land shall be treated, so that the provisions of Subsection 6 are complied with.
6. **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 land by Trustees to be selected and to act in accordance with the terms of such indenture, and the common land 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 the following provisions:

1. That the common areas, including open spaces, recreational areas, or other common grounds, shall be for the sole benefit, use, and enjoyment of the lot or unit owners, present and future, of the entire Density Development or that the common areas may also be used by residents outside the Density Development. If residents outside the Density Development are permitted to use the common areas, the indenture shall contain provisions which shall provide, in essence, the following:

   a. No resident of the Density Development shall be denied the use of the open space, recreational facilities, or other common ground for any reason related to the extension of such privilege to non-residents of the Density Development;
   b. All rules and regulations promulgated pursuant to the indenture with respect to residents of the Density Development shall be applied equally to the residents;
   c. All rules and regulations promulgated pursuant to the indenture with respect to non-residents of the Density Development shall be applied equally to the non-residents;
   d. At any time after the recording of the indenture, a majority of the residents of the Density Development, by election duly called, may elect to allow or disallow usage of the open space, recreational facilities or other common grounds by non-residents of the Density Development, except that in the Non-Urban District the residents shall not be empowered to disallow use by non-residents of common ground which is devoted to golf course uses by a lease approved by the trustees provided that such lease meets the following requirements: (1) protects the trustees and lot-owners from all burdens or liabilities, and (2) clearly provides that upon cessation or abandonment of operation of the golf course, the property will revert to the trustees as common ground with no further encumbrance. Prior to execution of such a lease, the developer shall file the unqualified opinion of an attorney licensed in Missouri and skilled in real estate matters with the Department of Planning stating that the lease conforms to the requirements of this section. (O.No. 17690 - Adopted 8/14/95.)

2. The indenture shall contain provisions for the maintenance of all common areas and facilities and the means of collecting assessments necessary for the maintenance.

3. In Density Developments containing attached single family units, the indenture shall contain provisions for maintenance of common walls.