

Section 26-20 Establishment of Districts

Add Section 26-45 DT, Downtown Overlay District (and update zoning map)
Add Section 26-46 Planned Unit Development

Section 26-45 DT, Downtown Overlay District.

26-45.1 Purpose and Intent

The DT, Downtown Overlay District is intended to provide a means for the redevelopment of the Downtown planning area in accordance with the vision of the Central Business District Land Use Plan adopted in September 2005, and the Downtown Architectural Guidelines adopted in October 2006. Furthermore, the use of Site Development Plan Approval (see Section 26-115) is intended to encourage unified land development with a mixture of compatible uses in a more walkable and urban framework that will improve the quality of the subject properties and provide for a vital economy of the Central Business District and the City of Creve Coeur.

26-45.2 Applicability

The “DT” Downtown Overlay District applies to the Downtown planning area, more specifically defined as the area bounded by Olive Boulevard (east of N. New Ballas Road) and Studt Avenue (west of N. New Ballas Road) to the north, Old Ballas Road to the east and south, Decker Lane (south of Studt Avenue) and N. New Ballas Road (north of Studt Avenue) to the west.



The regulations of this overlay district shall generally supplement the regulations of the CB, Core Business base zoning district. However, when conflict results between the regulations of the overlay district and the provisions of the base zoning district, the provisions of the overlay district shall control.

26-45.3 Permitted Uses

All uses permitted by right and by conditional use permit in the base zoning district shall be permitted as such in the DT Overlay District with the following exceptions:

- (a) All ground floor uses of a building must be general retail, restaurant, or hotel in nature for 75% of the total ground floor area and 75% of the frontage of the building. All other ground floor uses, permitted by right and by conditional use permit within the base zoning district, shall be limited to 25% of the total ground floor area and 25% of the frontage of the building.
- (b) Multi-family dwellings above the ground floor shall be permitted by right (i.e. without conditional use permit), subject to the following:
 1. There shall be no limit on the maximum number of units per acre other than the limits imposed by building size and unit size requirements.
 2. The average dwelling floor area shall not be less than 900 sq. ft. per unit, and no unit shall be less than 750 sq. ft.

26-45.4 Building Bulk Regulations

- (a) Structure height
The minimum building height in the DT Overlay District is three (3) stories, or forty-five (45) feet, whichever is less. The maximum building height in the DT Overlay District is six (6) stories, not to exceed ninety (90) feet.

The maximum building height may be modified subject to the provisions and requirements of the planned unit development process outlined in Section 26-46. For buildings permitted to exceed the maximum height through the planned unit development process, an additional 5 foot step-back (upper story building setback) beyond that as required in Section 26-45.6 shall be provided on every other floor beginning at the fourth story level. The upper story step-back shall be provided along all building elevations with street frontage, excluding alleys, parking lots, and access driveways.

- (b) Maximum site coverage
There is no maximum site coverage limitation in the DT Overlay District, however, each site shall contribute to adjacent or common provision of street tree planting, facilities for storm water mitigation, and plazas and open space, including participation in one or more means of collective funding, development, and management of these improvements. The extent of the contribution shall increase for each percentage point above the 63% site coverage allowed within the base zoning district.
- (c) Maximum floor area ratio
The maximum floor area ratio (FAR) in the DT Overlay District is two and a half (2.5). The maximum floor area ratio may be modified pursuant to the provisions and requirements of the planned unit development process outlined in Section 26-46.

26-45.5 Setback and step-back requirements

The following are setback and step-back requirements in the Downtown Overlay Zoning District:

- (a) *Front yard.* The required front yard setback in the DT Overlay District is a maximum of ten (10) feet to allow for public space in the form of sidewalks, plaza areas, and landscaping between the building and street. The maximum front yard setback may be modified subject to the provisions and requirements of the planned unit development process outlined in Section 26-46.

For parcels fronting Olive Boulevard the required front yard setback shall be as required per Section 26-43.5(d)(1)(b).

For all buildings, with the exception of freestanding parking structures, in excess of three (3) stories, but not exceeding six (6) stories in height, an additional ten (10) foot front yard step-back (upper story building setback) shall be provided at the fourth and sixth story levels. This upper story step-back shall be provided along all building elevations with street frontage, excluding alleys, parking lots, and access driveways.

- (b) *Side yard setbacks.* There are no minimum or maximum side yard setback provisions in this district except where a lot abuts a residential district, a side yard of at least five (5) feet shall be provided.

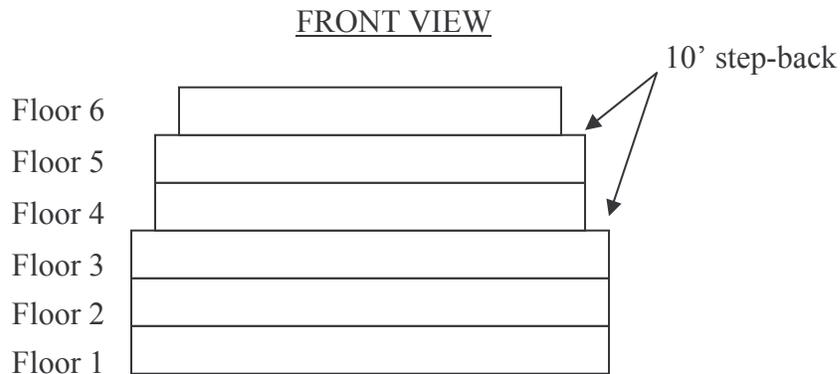
For all buildings, with the exception of freestanding parking structures, in excess of three (3) stories, but not exceeding six (6) stories in height, an additional ten (10) foot side yard step-back (upper story building setback) shall be provided at the fourth and sixth story levels. The upper story step-back shall be provided along all building elevations with street frontage, excluding alleys, parking lots, and access driveways.

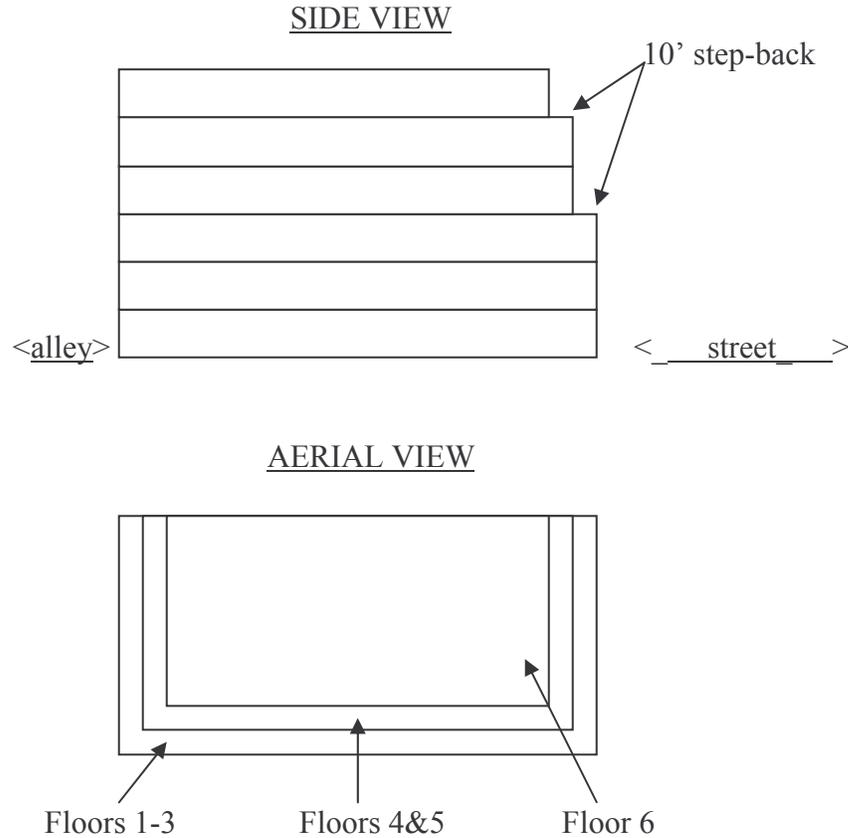
- (c) *Rear yard.* The required rear yard setback in the DT Overlay District is a minimum of fifteen (15) feet. The setback may be reduced to zero (0) feet if an alley or other right-of-way is provided.

For all buildings, with the exception of freestanding parking structures, in excess of three (3) stories, but not exceeding six (6) stories in height, an additional ten (10) foot rear yard step-back (upper story building setback) shall be provided at the fourth and sixth story levels. The upper story step-back shall be provided along all building elevations with street frontage, excluding alleys, parking lots, and access driveways.

STEP-BACK ILLUSTRATIONS

Example: 6-story building w/ multiple street frontages





- (d) *Accessory buildings.* An accessory building not exceeding twenty (20) feet in height may occupy a required rear yard but no accessory building shall be closer than ten (10) feet to the main building or closer than five (5) feet to any rear property line.
- (e) *Exceptions.* Outside stairways, tower balconies or fire escapes may project no more than four (4) feet beyond the face of the wall into the rear yard. Roof eaves may project no more than three (3) feet beyond the face of the wall into any yard. Window sills, bay windows, belt courses and similar architectural features, as well as rain leaders and chimneys, may project no more than two (2) feet beyond the face of the wall into any yard.
- (f) *Interpretation.* When a property has two street frontages, the property line opposite the longer street frontage shall be the side yard and the property line opposite the shorter street frontage shall be the rear yard. If the two frontages are equal to the nearest foot, then both opposite lines shall be rear yards. If the property has three street frontages, the remaining line shall be a rear yard.

26-45.6 *General Requirements*

- (a) *Off-street parking and loading.* See Article 7.
 - 1. The total parking requirement assumes some publicly provided parking, either on-street or in parking structures. In the event sufficient on-street or structured parking is not available at the time of development, off-street parking shall be provided as required under Article 7, unless the applicant can demonstrate through a recorded parking agreement that shared or reduced parking can be achieved, in which case an appropriate reduction in the total number of off-street parking spaces may be allowed.

2. Parking structures abutting the street should have ground level retail, commercial service and food establishments facing the sidewalk. All design materials and colors shall be compatible with the urban setting.
- (b) *Signs.* See Article 8.
1. The mixed-use development of the DT Overlay District requires an allowance for multiple signs for different users within a single building. In such instances a building sign package shall be provided for approval by the Planning & Zoning Commission and consist of building identification signs and attached signs for individual tenants. Said package shall include:
 - a. A site plan and elevations of the entire building and property.
 - b. Locations, details, and sizes of the building identification sign(s).
 - c. Locations, sizes, and photo-simulations of all potential and/or proposed attached signs for individual tenants.
 2. The limited setbacks and pedestrian oriented nature of the DT Overlay District eliminates the need for permanent freestanding business signs. In the overlay, signs shall be placed on or attached to buildings.
 3. Directional signage and projecting signs over the public right-of-way or public open space for a permitted or conditional use are allowed provided that they are approved by the Planning & Zoning Commission as part of the building sign package on finding that the sign placement will not compromise public health, safety, or welfare.
 4. All proposed signage within the DT Overlay District shall be in scale and harmonious with the development and shall be so located and sized as to ensure convenience to the visitor, user or occupant of the development while not adding to street clutter or otherwise detracting from the planned unit nature of the Downtown district and the purposes of architectural and urban design elements per the Downtown Architectural Guidelines.

26-45.7 Additional District Regulations

- (a) *Visual environment enhancement.* The visual environment enhancement set forth in section 26-52.33 shall not be required in the DT Overlay district.

26-45.8 Nonconformities. See Article 6.

In an effort to keep existing downtown properties viable prior to redevelopment and therefore in conformance with the regulations of this section, and in exception of Section 26-70, nonconformities in the DT Overlay District shall be subject to the following:

- (a) For a nonconforming building with multiple tenants, changes in tenants may occur without requiring the property to be brought into conformance with the standards of the DT Downtown Overlay district, as long as the uses are in compliance with the base zoning district regulations.
- (b) Exterior modifications and improvements may be made to nonconforming buildings so long as the expansion does not increase any parking deficiency, and:
 1. The footprint of the existing building is not extended, expanded, or enlarged, except the front of the building may be brought to within 10 feet of the right-of-way; or
 2. The improvements conform to all applicable requirements of the Downtown Architectural Guidelines.

Section 26-46 Planned Unit Development

26-46.1 Purpose

The purpose of the planned unit development process is to foster appropriate use of existing buildings and enable compatible redevelopment projects. Through the flexibility of the planned unit development technique, the City seeks to achieve the following objectives:

- (a) Facilitation and implementation of the recommendations of the Creve Coeur Central Business District Land Use Plan;
- (b) Creation of a more desirable environment than would be possible through application of conventional City land use regulations;
- (c) Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities;
- (d) Combination and coordination of architectural styles, building forms and building relationships;
- (e) Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, including by means of natural erosion control and stormwater control best management practices;
- (f) Use of design, landscape or architectural features consistent with the City's Downtown Architectural Guidelines in order to create a pleasing environment;
- (g) Inclusion of special development features;
- (h) Mutually desired elimination of obsolete or deteriorated structures or incompatible uses through redevelopment.

26-46.2 Eligibility

The Planned Unit Development process is only eligible within the "DT" Downtown Overlay District, (Downtown planning area), more specifically defined as the area bounded by Olive Boulevard (east of N. New Ballas Road) and Studt Avenue (west of N. New Ballas Road) to the north, Old Ballas Road to the east and south, Decker Lane (south of Studt Avenue) and N. New Ballas Road (north of Studt Avenue) to the west.

A development proposal shall be eligible for consideration under the planned unit development process when the development exceeds the maximum height (but up to no greater than a total height of 12 stories or 180 feet, whichever is less), front yard setback, or FAR requirements of the "DT" Downtown Overlay District and incorporates only a residential use and/or public parking above the ground floor and provides a substantial tangible public benefit to the city, including, but not limited to, the following:

- (a) Provision of public or quasi-public parking facilities
- (b) Provision of on-street and off-street pedestrian facilities linking the Downtown with surrounding business, office and residential uses, as well as those to the east and west along Olive Boulevard
- (c) Consolidation and/or elimination of overhead utility wires
- (d) Inclusion of landscaped gardens, plazas or parks available for public use
- (e) Provision of alternative street connections, or the dedication of land for additional street right-of-way
- (f) Fountains, statuary, public art
- (g) Architectural distinction and significance that would make the building(s) noteworthy as provided in the Creve Coeur Downtown Architectural Guidelines
- (h) Extensive use of high quality building materials that would add to the assessed valuation of the structures

It should be noted that the benefits listed may not necessarily satisfy the requirement as final discretion falls on the City Council, upon receipt of a recommendation of the Planning and Zoning Commission, in determining the level of benefit derived.

26-46.3 Limitation

No change, alteration, modification or waiver authorized by a PUD shall authorize a change in the uses permitted in any district or a modification with respect to any zoning district standard made specifically applicable to planned unit developments, unless such district regulations expressly authorize such a change, alteration, modification, or waiver.

26-46.4 Review Requirements

For a Planned Unit Development Plan to be accepted for review, the information listed below shall be either placed on the Plan, or on a separate sheet accompanying the Plan. A Planned Unit Development Plan shall be drawn at a scale of 1" = 20' or larger, unless otherwise approved by the Zoning Administrator.

- (a) All submissions to the City's Planning and Zoning Commission and City Council shall be properly sealed and signed by a licensed architect, professional engineer, or land surveyor registered in the State of Missouri, as applicable, pursuant to laws and regulations established by the Missouri Board for Architects, Professional Engineers, and Land Surveyors. An original seal, signature, and print date shall appear on each page of one original submittal set as evidence that the submitted material was prepared under the direction of a licensed architect, professional engineer, or land surveyor. All other submissions shall be copies of the original set.
- (b) Title block including name of the proposed project, name, address and phone number of preparers and project applicant or owner.
- (c) The location, dimensions, and total area of the site.
- (d) The location, height, floor area, type of construction and intended use of each proposed building or structure.
- (e) Architectural elevations depicting size, shape and special design elements proposed as well as proposed exterior finish materials to be used.
- (f) Two (2) sections at ninety (90) degrees from each other through the proposed site and building(s).
- (g) The number, location and dimensions of parking spaces, surface lot or structures and loading docks, in relation to the applicable parking regulations in Article 7, with means of ingress and egress. Layout of handicapped parking and accessibility shall be included.
- (h) The proposed traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including any streets and access easements.
- (i) A traffic impact analysis prepared by a Missouri registered traffic engineer depicting the project's impact on vehicular and pedestrian traffic.
- (j) The location and purpose of any existing or proposed dedication, easement or right-of-way (public or private) within the boundaries of the site.
- (k) Location and dimensions of adjacent properties, abutting public rights-of-way and easements, and utilities serving the site.
- (l) Location of existing and proposed sewage treatment, stormwater runoff collection and detention and preliminary stormwater runoff calculations (amount of detention required and provided).
- (m) Existing and proposed contour lines or elevations based on mean sea level datum at 2-foot intervals and extending 100 feet beyond the property line.
- (n) Site coverage data in a percentage form (a ratio of non-impervious to impervious area);
- (o) Ratio of floor area to site area (FAR).

- (p) Location and height of all light poles and trash enclosures, including detailed sketches or cut sheets.
- (q) The proposed treatment of open spaces, including existing and proposed landscaping as described in the Downtown Architectural Guidelines.
- (r) When the planned unit development is to be constructed in stages or units, a schedule for the development of stages or units stating the approximate beginning and completion time for each stage or unit.
- (s) Copies of any restrictive covenants that are to be recorded with respect to property in the proposed planned unit development.
- (t) A statement addressing each of the standards set forth in Section 26-46.5 *Criteria for Approval*, and such additional standards, if any, as may be applicable under the specific provisions of these Planned Unit Development regulations. The statement shall explain specifically how the proposed planned unit development relates to and meets each such standard.

26-46.5 Criteria for Approval

The Planning and Zoning Commission shall recommend to the City Council approval, approval with conditions, or denial of a Planned Unit Development Plan application based upon the standards set forth below:

- (a) The proposed development is in harmony with the general purpose and intent of this Chapter, and is compatible with and implements the planning goals and objectives of the City including the Comprehensive Plan and CBD Land Use Plan.
- (b) Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets.
- (c) The internal circulation system of the proposed development encourages safe movement for vehicles and pedestrians.
- (d) Existing or proposed utility services are adequate for the proposed development.
- (e) Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts.
- (f) Architecture and building materials are consistent with the character of the proposed development and compatible with areas of the City proximate thereto per the Downtown Architectural Guidelines.
- (g) Landscaping is appropriate for the scale of development and consistent with any applicable City codes, ordinances and standards.
- (h) The proposed development preserves any significant architectural and environmental features of the property.
- (i) Operating and delivery hours are compatible with adjacent land uses.
- (j) The proposed uses are compatible with the area surrounding the proposed development and will not have a material net cumulative adverse impact on the surrounding area or the City as a whole.
- (k) The proposed development complies with all other applicable codes and ordinances.
- (l) The layout of structures and spaces adequately takes into account the potential for future subdivision of the development.
- (m) The level of the public benefit to the City derived from the proposed development, per Section 26-46.2.

26-46.6 Review Procedure for a Planned Unit Development

An application for approval of a Planned Unit Development Plan shall be reviewed according to the procedures outlined in Section 26-113. Once approved, the Planned Unit Development Plan supplements the specific zoning regulations of the property and should be noted on the zoning map.

26-46.7 Conditions of Approval

The City Council shall consider the same criteria as set forth for Planning and Zoning Commission review and may impose such conditions and limitations, including but not limited to those recommended by the Planning and Zoning Commission, as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the Planned Unit Development, upon the City as a whole, or upon public facilities and services. These conditions may include but are not limited to conditions concerning use, construction, character, location, landscaping, screening, parking, maintenance, operational elements that would impact adjoining land uses, and other matters relating to the purposes and objectives of these Planned Unit Development regulations. Such conditions shall be expressly set forth in the ordinance authorizing the Planned Unit Development.

The ordinance approving a Planned Unit Development Plan shall contain a legal description of the property subject to the planned unit development. The ordinance and the development plan shall be recorded by the applicant in the Office of County Recorder of Deeds. The applicant must present proof to the City of such recording before any permits may be issued.

Following Planned Unit Development Plan approval, the development plan, rather than any other provision of this Chapter, shall govern the use, parking, loading, sign, bulk, space and yard regulations applicable to the subject property, and no use or development, other than temporary uses, shall be permitted within the area of the Planned Unit Development pursuant to the zoning district regulations otherwise applicable to such area.

26-46.9 Re-application

In the event the City Council denies an application for Planned Unit Development, no application for the same or substantially similar proposal will be accepted for a period of at least one (1) year from the date of denial by the City Council, unless the City Council affirmatively waives this restriction for good cause.

26-46.10 Expiration

- (a) A Planned Unit Development Plan shall be valid for a period no longer than one (1) year from the date approved by the City Council unless a building permit is issued and substantial construction or development has commenced within that period. Upon any such expiration, the zoning shall automatically revert back to the prior zoning. The City may record documentation of expiration.
- (b) The City Council may grant extensions to the one-year period of not more than one hundred eighty (180) days each, provided that a written request for such extension is filed by the original applicant and approved by the City Council prior to the date the Planned Unit Development Plan is scheduled to expire. The City Council, upon the recommendation of the Planning and Zoning Commission, may attach any additional conditions or limitations as it deems necessary and proper in connection with the grant of such an extension.
- (c) The applicant shall bear the burden of providing just cause for delay, and shall verify that the project remains the same and that no circumstances bearing on the suitability of the project have changed. Approval of a request for an extension is at the sole discretion of the City Council, upon the recommendation of the Planning and Zoning Commission.

26-46.11 Building Permit Issuance

A copy of the approved development plan shall be retained in the records of the Department of Community Development and all building and occupancy permits issued by the City shall conform to the provisions of the approved Planned Unit Development Plan.

26-46.12 Violations

Failure to comply with any of the conditions and/or provisions of an approved Planned Unit Development Plan shall constitute a violation of this Chapter, punishable as provided in Section 26-122 of this Chapter. The City may seek judicial remedies to compel compliance.

26-46.13 Amendments

No amendments shall be made in the construction, development or use permitted under a Planned Unit Development without a new application under the provisions of these Planned Unit Development regulations. Minor adjustments may be made subject to written approval by the Director of Planning as provided in subsection (a):

- (a) Minor Amendments.* During build-out of the Planned Unit Development, the Director of Planning may authorize minor adjustments to the approved development plan when such adjustments appear necessary in light of technical or engineering considerations.
- (b) Major Amendments.* If the Director determines the proposed amendment to be major in nature (not in substantial conformance with the original approval) the matter shall be referred to the City Council for review and approval, upon recommendation of the Planning and Zoning Commission.