

ORDINANCE #69199
Board Bill No. 79

An Ordinance recommended by the Planning Commission pertaining to form-based districts, creating a new zoning overlay district in the Zoning Code, Chapter 26.82, to be designated as Form-Based Districts, providing a purpose, definitions, criteria for formation, minimum requirements, optional regulatory subjects, procedures for approval, procedures for amending and administering districts; amending Section Three of Ordinance 69084, relating to fees for zoning services provided by the Zoning Section of the Building Division, by adding a fee of five hundred dollars (\$500) for the application to establish a form-based district; and containing a severability clause and an emergency clause.

WHEREAS, the City’s Strategic Land Use Plan (hereafter “Plan”) was adopted by the Planning Commission on January 5, 2005 as a guide for future activities which will occur over a long period of time at the initiative of neighborhood residents and City businesses and in response to interest from developers; and

WHEREAS, the Plan is intended to improve the quality of life for those who live and work in the City by encouraging appropriate types of development and preservation in clearly defined areas; and

WHEREAS, the Plan is intended to be the basis for additional planning and development initiatives, including detailed neighborhood-level plans and tailored rezonings; and

WHEREAS, the Plan acknowledged that existing zoning designations are continually problematic in the City and anticipated that, upon the adoption of the Plan, zoning designations would be modified to conform to the Plan and “overlay districts” might be developed and adopted that are specific to the character of individual neighborhoods and development areas; and

WHEREAS, form-based zoning has been identified as a viable option or supplement to conventional zoning (the primary distinction being a focus on physical form -- rather than land uses); and

WHEREAS, the City has established the benefits of historic districts that identify areas in the City with character to be encouraged through means identified in City ordinances in order to promote the general welfare of and improve the quality of life in the City; and

WHEREAS, the use of redevelopment plans and architectural standards adopted by City ordinance that establish controls over exterior architectural features in City historic districts have demonstrated effectiveness in retaining character and sense of place, stabilizing property values, and strengthening investment in distinctive portions of the City; and

WHEREAS, the architectural standards adopted for historic districts regulate new construction in terms of setback and siting, scale, height, materials, and the articulation of public facades, the type of regulation proposed in the Building Envelope Standards and Building Development Standards components of form-based zoning implementation would be comparable to the type of character-defining regulation of new construction that has existed and proven effective in the City’s historic districts.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Purpose. The purpose for the creation of a Form-Based District as a zoning overlay district shall be to encourage sustainable growth and to establish areas of a particular desired scale and siting relationships. The Form-Based Districts will promote the health, safety, morals or general welfare of the community by effectively regulating improvements and enhancing the vibrancy and atmosphere of a neighborhood or a commercial corridor by providing a cohesive urban form and character. A Form-Based District is designed to assist in the implementation of the Strategic Land Use Plan, as well as planning and development initiatives, such as detailed neighborhood-level plans and commercial district plans and development projects. A Form-Based District is also intended to reinforce the character of existing City historic districts and not purposely alter the character of any existing National Register historic district.

SECTION TWO. Definitions. For purposes of this chapter, the following terms, phrasing, words and their deviations shall have the meaning given herein. Any term not herein defined shall be construed as defined in Chapter 26.08 of the Zoning Code.

- a. “Architectural Standards” – Regulations controlling external architectural materials and quality.
- b. “Building Development Standards” - Regulations regarding building types, frontage types and architectural standards.

- c. “Building Envelope Standards” - Regulations controlling the configuration, features, and functions of buildings.
- d. “Building Type” – A structure defined by the combination of configuration and placement (e.g., detached single-family dwelling, rowhouse).
- e. “Build-To Line” – A line parallel to the property line where the facade of a building is required to be located.
- f. “Frontage Type” – The architectural element of a building between the public right-of-way and the building located on the abutting private property (e.g., porch, balcony).
- g. “Regulating Plan” – A plan or map of the regulated area designating the locations (also referred to as zones) where different building envelope standards apply.
- h. “Sustainability Standards” – Regulations controlling issues such as stormwater drainage and infiltration, tree protection and solar access.
- i. “Thoroughfare Standards” – Regulations regarding the design of different types of thoroughfares (e.g., pavement width, number and width of traffic lanes, bicycle lanes and parking lanes, landscape type and sidewalks).
- j. “Zoning Overlay District” – A designation for a physical area with mapped boundaries that are superimposed over the City’s official Zoning District Map’s underlying zoning districts and text detailing requirements that are either added to, or in place of, those underlying zoning districts’ regulations.

SECTION THREE. Criteria. Only those areas that meet the following criteria shall be eligible to become a Form-Based District.

- a. A minimum geographic area consisting of at least 15 contiguous acres. Land may be under common or multiple ownership.
- b. Identification and documentation of a specific attribute or rationale of form-based zoning that would help the area to develop into its full potential and that is currently unavailable in the City’s existing Zoning Code.

In addition, a Form-Based District shall document that the proposed area exhibits at least one of the following characteristics:

- a. An area that is experiencing inappropriate development (e.g., development of automobile-oriented commercial uses along a traditional neighborhood commercial street).
- b. An area that is expecting or experiencing significant change in terms of development activity (e.g., an area primarily consisting of vacant land and vacant buildings for which a substantial development is proposed).
- c. A desire to encourage a transformation of an area or to make general improvements to an area (e.g., a focus on transit-oriented development or a more pedestrian- and bicyclist-friendly environment).

SECTION FOUR. Minimum Requirements. No Form-Based District shall be approved unless at minimum it contains the following items:

- a. A Regulating Plan in graphic form, as specified by the Planning Commission, which designates a specific classification (Building Envelope Standards) for every parcel in the Form-Based District. The Regulating Plan shall include one or more zones where different Building Envelope Standards apply.
- b. Building Envelope Standards that include graphics that clearly indicate for each classification of property allowable encroachments, build-to lines, setbacks, building forms, building heights, building types and parking.
- c. An indication as to how the proposed Regulating Plan, Building Envelope Standards and Building Development Standards would be reconciled with any applicable existing historic district standards for City historic districts adopted by ordinance.

- d. A written statement of purpose outlining the goals and objectives for the Form-Based District.
- e. Identification of the area for which the Form-Based District will apply, including a generalized metes and bounds legal description of the area.
- f. Documentation of a planning process that was used to establish the plan or vision for the Form-Based District.
- g. Documentation of adequate public participation during the planning process.
- h. Support of the alderman or aldermen representing the proposed area.
- i. Documentation of meeting the required criteria listed in Section Three.
- j. Additional information as needed to ensure the proposed Form-Based District contains sufficient material for adequate review by the Planning Commission.

SECTION FIVE. Optional Regulatory Subjects. In addition to the minimum requirements, a Form-Based District may also include Building Development Standards, use regulations, provisions that address non-conforming uses (which may include reducing the time period for discontinuing a non-conforming use to a period of time not less than thirty days), thoroughfare standards, sustainability standards, signage regulations, and any other regulations that would promote the goals of the Form-Based District. A Form-Based District will only serve as an overlay code on the subject matters specified in each Form-Based District and regulatory subjects not included in a Form-Based District will continue to be regulated by the existing Zoning Code.

SECTION SIX. Procedures for Approval of a Form-Based District. A Form-Based District is established by ordinance initiated by one of the following two procedures -- initiation by the Planning Commission or a formal application process by an applicant.

- a. The Planning Commission may on its own initiative propose the enactment of a Form-Based District for any portion of the City of St. Louis.
- b. Prior to the filing of an application for approval of a Form-Based District with the Planning Commission, the applicant shall schedule a pre-application meeting with the City's Director of Planning and the Zoning Administrator. The purpose of the meeting is to allow the Director of Planning and the Zoning Administrator to inform the applicant of all applicable ordinances, rules, regulations, plans, existing historic districts, policies, standards and procedures that may affect the applicant's planning and development initiative. This consultation would also allow the applicant to present a general concept of the proposed planning and development initiative prior to the preparation of any detailed plans and associated development standards. The applicant shall submit at the pre-application meeting a preliminary application, which shall include the following information:
 - i. Identification of the applicant and contact person, as well as contact information;
 - ii. Preliminary identification of the Form-Based District's boundaries;
 - iii. A preliminary written statement of purpose outlining the applicant's intentions for the Form-Based District;
 - iv. Conceptual-level sketch plans and ideas regarding proposed uses, building forms and densities;
 - v. Identification of professional planners, architects or others working on the plan;
 - vi. A plan for public participation in the planning process;
 - vii. Support from the alderman or aldermen representing the proposed area;
 - viii. Preliminary documentation that the area meets the required criteria listed in Section Three; and

- ix.. Any additional information as determined by the Director of Planning and the Zoning Administrator;
- c. After meeting with the Director of Planning and the Zoning Administrator, an applicant may prepare its application on a form to be provided by the Zoning Administrator. The applicant may submit to the Planning Commission its application for the proposed Form-Based District, as defined in Sections Four and Five, along with a non-refundable application fee, payable in cash, check or money order to “City of St. Louis”, as provided for under the Fee Schedule in Chapter 26.98 of the Zoning Code, for those proposed Form-Based Districts following a formal application process. The Planning Commission shall have ninety (90) days from the time of submittal to approve or disapprove the Form-Based District. Upon receipt of the recommendation of the Planning Commission or the expiration of ninety (90) days from the date of first filing such application, an ordinance may be enacted into law pursuant to the provisions of Chapter 26.92 of the Revised Code of the City of St. Louis prescribing procedures for amendments or changes to the boundaries or regulations in the zoning laws of the City of St. Louis.

SECTION SEVEN. Amendments. Any amendment or change in the boundaries or regulations of an established Form-Based District shall follow the procedures under Chapter 26.92 of the Zoning Code.

SECTION EIGHT. Administration of Form-Based Districts. An approved Form-Based District is intended to exist as a zoning overlay district with the City’s existing Zoning Code. The overlay district shall represent and be depicted as a mapped geographic area on the City’s official Zoning District Map. The overlay district may be applied over any zoning district and may encompass one or more zoning districts. Upon approval of an ordinance establishing a specific Form-Based District:

- a. Administration of the Form-Based District shall be conducted by the office of the Zoning Administrator. The Building Commissioner may, with the approval of the Director of Public Safety, appoint one (1) or more additional members of his department, as well as members of other City departments who have a particular skill or competence to act for the Zoning Administrator. The term “Zoning Administrator” as elsewhere used in this zoning ordinance shall be deemed to include such appointees.
- b. Minor waivers regarding an established Form-Based District may be granted or denied by the Zoning Administrator, as referenced in Section 26.88.020.I.1.-7. of the Zoning Code.
- c. Appeals regarding a Form-Based District shall be heard by the Board of Adjustment.

SECTION NINE. Section Three of Ordinance 69084 is hereby amended to include a form-based district application fee of five hundred dollars (\$500) for each application.

SECTION TEN. Severability Clause. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION ELEVEN. Emergency Clause. The passage of this ordinance being deemed necessary for immediate preservation of the public peace, health and safety, an emergency is hereby declared to exist within the meaning of Section 20 of Article IV of the Charter, and this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Approved: July 18, 2012