



City of Clayton
10 North Bemiston Avenue
Clayton, Missouri 63105
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**APPLICATION FOR REZONING TO A
SPECIAL DEVELOPMENT DISTRICT**

\$785.00 fee must accompany this application.

A Petition for Rezoning and \$235.00 fee must also accompany this application.

Special developments are a distinct zoning district and are appropriate where a development project is proposed to be large-scale and constructed in multiple phases.

Special Development designation is appropriate where a development project is proposed on a lot or, when combined, a series of lots which total at least three (3) acres in size and is unable to meet the established zoning criteria due to unusual circumstances in project size, phasing, configuration, or particular design features. The special development process provides the flexibility needed to encourage efficient use of land and resources, promoting greater efficiency in public and utility services while encouraging innovation in the planning and building of a large-scale development which involves a multi-phased, multi-year timeframe.

**AN APPLICATION FOR REZONING AND ASSOCIATED APPLICATION FEE
MUST BE SUBMITTED CURRENTLY WITH THIS APPLICATION.**

The Special Development District process is to enable compatible development, provide a public benefit and achieve the following objectives:

1. Allow for a complex, large scale project to be phased in a manner advantageous to the City, developer and adjacent neighborhoods;
2. Development of a large tract of land which is vacant or underutilized in a coordinated manner;
3. Creation of a more desirable environment than would be possible through strict application of other City land use regulations designed for smaller projects;
4. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities;
5. Combination and coordination of architectural styles, building forms and

building relationships covering different phases within a single development project;

6. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features and the prevention of soil erosion;
7. Preservation of buildings which are architecturally or historically significant or contribute to the character of the City;
8. Use of design, landscape or architectural features to create a pleasing environment;
9. Inclusion of special features;
10. Elimination of deteriorated structures or incompatible uses through redevelopment or rehabilitation; and,
11. Facilitate implementation of the recommendations of the Business Districts Master Plan, where applicable.

ZONING AMENDMENT

The special development district is a zoning amendment intended to provide a method of consideration for a multi-phased development in a unified land plan that will improve the quality of the subject properties and have a beneficial effect on adjacent areas.

Rezoning to a Special Development District is allowed only in areas where the existing zoning designation is C-1, C-2, High Density Commercial (HDC), and S-1, inclusive.

SPECIAL DEVELOPMENT PLAN AND SUB-DISTRICTS (PHASES).

A Special Development Plan shall be submitted which provides the general components of the proposed development. To ensure that various components of the project meet the criteria of the Special Development Plan, Sub-Districts shall be required for each phase of the project. The Sub-Districts shall be identified as part of the rezoning for Special Development Districts. In addition, each Sub-District shall be subject to the provisions of Article 10, Site Plan Review and Article 7, Architectural Review.

PUBLIC BENEFIT

In exchange for waivers of certain requirements of this Chapter, public benefit shall be provided as determined by the Plan Commission and Board of Aldermen. The public benefits to the City that are intended to be derived from the approval of special developments may include, but are not limited to:

1. Use of large tracts of land in a manner which provides a cohesive phased development and minimizes construction impact;

1. Extraordinary landscaping and greenspace provisions;
2. Garage entryways by virtue of their location, materials and design that blend with the architecture of the surrounding neighborhood;
3. Architectural distinction and significance that would make the development noteworthy;
4. Extensive use of high quality building materials that would add significant value to the property and benefit adjacent properties;
5. Provision of new public infrastructure including, but not limited to streets, curbs, sidewalks, sanitary sewers, storm water sewers, lighting and public parking;
6. Provisions for reduced sale or rental for a percentage of the residential units to encourage the goal of affordable housing, if residential is proposed;
7. Leadership in Energy & Environmental Design (LEED) certification from the U.S. Green Building Council at a minimum “Certified” level including applicable regional priorities or an equivalent, nationally recognized third party verification organization as determined by the Plan Commission.

For projects proposed within the Central Business District, the public benefits specific to the Central Business District that are intended to be derived from the approval of Special Development Districts may include, but are not limited to the following accessory complimentary features:

1. Inclusion of below grade public parking facility located underneath the proposed development;
2. Inclusion of public parking spaces in excess of what is required by Chapter 22, Article 31 of the Municipal Code;
3. Inclusion of street level landscape garden, plaza or park available for public use;
4. Inclusion of special access features or provisions to existing or planned public transit facilities;
5. Inclusion of a mixed use development plan where no single use exceeds 80% of the total floor area;
6. Public art;
7. Architectural distinction and significance that would make the building(s)

noteworthy; and

8. Extensive use of high quality building materials that would add to the assessed valuation of the structure(s).

APPLICATION AND PLAN REQUIREMENTS

An applicant shall file an application for Rezoning & Special Development District on a form provided by the Department of Planning and Development Services. When a project requires multiple approvals and plan sets (such as site plan and architectural review), the applicant may submit the same plans (combined plan sets) for all applicable approvals provided the combined sets include all of the information required for each applicable project review. At the time that an application is filed, the applicant shall pay a fee as required by the fee schedule approved by the Board of Aldermen. The fee shall be paid to the City of Clayton to the credit of the general revenue fund of the City.

The application process for a designated Special Development District includes a request for rezoning pursuant to the provisions of Article 13 of this Chapter. Rezoning must be completed concurrently with the approval process for the Special Development.

APPLICATION REQUIREMENTS FOR A SPECIAL DEVELOPMENT DISTRICT

The Special Development District application shall be submitted on a form provided by the Department of Planning and Development Services accompanied by such number of copies of documents as the Director of Planning and Development Services, or his/her designee, may require for processing of the application and shall include at a minimum the following general information:

1. The applicant's name, address, telephone number and interest in the property;
2. Certification that the applicant is registered to do business in the State of Missouri, and is in good standing to develop the site;
3. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
4. A certificate of disclosure of ownership interest;
5. The street address and legal description of the subject property;
6. The current zoning classification, proposed zoning district boundaries and present use of the subject property;
7. A vicinity map with north arrow, scale and date, indicating the zoning classifications and current uses of properties within two hundred fifty feet

(250') of the subject property;

8. The proposed title of the project and the name, addresses and telephone numbers of the architect, landscape architect, planner and/or engineer on the project.

SPECIAL DEVELOPMENT PLAN

The Special Development Plan shall be drawn at a scale of one inch equals twenty feet (1 inch = 20 feet) or larger, unless otherwise approved by the Director of Planning and Development Services, setting forth at least the following:

1. The location, dimensions, and total area of the site;
2. Identification of each Sub-District within the Special Development Plan and a schedule stating the approximate beginning and completion time for each Sub-District, including substantiation that each of the phases identified will be constructed;
3. The location and use of each proposed building or structure;
4. The maximum height of each building or structure;
5. The maximum number and type of dwelling units in each building, and the overall maximum dwelling unit density (if residential uses are proposed);
6. The location of permanent open spaces including landscape buffers;
7. Graphics including building massing diagrams, if requested by the Director of Planning and Development Services;
8. The minimum number and general location of parking spaces and loading facilities;
9. The general traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including streets and future easements;
10. A traffic impact analysis prepared by a registered traffic engineer depicting the project's impact on vehicular and pedestrian traffic;
11. A parking study if shared parking is proposed and a shadow study if requested by the Director of Planning and Development;
12. Other professional or technical studies or reports as may be required by the Director of Planning and Development Services to clearly understand the

project. The applicant shall be responsible for any costs and/or expenses incurred as a result of engaging such outside professional assistance;

13. The general drainage plan for the development;
14. Copies of any restrictive covenants that are to be recorded with respect to property in the proposed special development;
15. A statement showing the relationship of the proposed special development to the goals of the City's Master Plan, if applicable; or justification for variations;
16. A preliminary plat or survey of the parcel of land, lot(s), block(s), or parts or portions thereof, drawn to scale, showing the actual dimensions of the parcel, lot(s), block(s), or parts or portions thereof, according to the registered or recorded plat of such land.

Each drawing shall be sealed, signed and dated, by the licensed entity who prepared the drawing or under whose immediate personal supervision the plan has been prepared. Revised plans and amended or modified approved plans shall also be so authenticated by the licensed entity who prepared the revision, amendment or modification to the drawing or under whose immediate personal supervision the plan has been revised, amended or modified;

CRITERIA FOR APPROVAL

The approval criteria are designed to achieve the goals as set forth in Section 11.1 of this Article. The Plan Commission shall recommend to the Board of Aldermen approval, approval with conditions, or denial of the Special Development Plan. In considering and acting upon the Special Development Plan, the Plan Commission and Board of Aldermen shall take the following objectives into consideration through the special development process:

1. The proposed development, including proposed phases and schedule, is in harmony with general purposes and intent of Chapter 22 of the Municipal Code, and is compatible with and implements the planning goals and objectives of the City;
2. Streets or other means of access to the proposed development meet City of Clayton standards and are suitable to carry anticipated traffic.
3. The internal circulation system of the proposed development encourages safe movement for vehicles and pedestrians;
4. Existing or proposed utility services are adequate for the proposed development;

5. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;
6. The proposed development preserves unique environmental features of the property;
7. The proposed height, arrangement, and uses of the proposed development are compatible with the surrounding neighborhood and the City as a whole;
8. The proposed development complies with all other applicable codes and ordinances.

PROCEDURES FOR APPROVAL OF A SPECIAL DEVELOPMENT PLAN.

Upon the review of an application and plans, the Director of Planning and Development Services, or his/her designee, shall, notify the applicant of any deficiencies and or modifications necessary to perfect the application. Once the submittal is deemed complete, the application is forwarded to the Plan Commission and Board of Aldermen for their consideration and approval, respectively. The application for a Special Development District shall be reviewed and decided upon in accordance with the procedures for a zone change established by Article 13 of this Zoning Ordinance. Approval of the Special Development District is determined solely in the legislative discretion of the Board of Aldermen. Once approved, the Special Development District Plan and Sub-Districts become the specific zoning regulations of the property.

CONDITIONS OF APPROVAL

The Board of Aldermen may impose such conditions and limitations as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the special development district, 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 Regulations. Such conditions shall be expressly set forth in the ordinance authorizing the Special Development Plan. Violation of any such condition or limitation shall be a violation of these Regulations and subject the offender to the penalties prescribed for the violation of this Chapter. Additionally, violation of any such condition or limitation shall be a violation of these Regulations and shall constitute grounds for revocation of the approval authorizing the special development.

The ordinance approving a special development shall contain a legal description of the property subject to the special development. The ordinance along with the development plan shall be recorded by the applicant in the office of County Recorder of Deeds. The applicant must present proof of such recording before any permits may be issued.

Following Special Development approval, the Special Development Plan and the associated Sub-District Plans, rather than any other provision of Chapter 22, 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 Special Development District pursuant to the zoning district regulations otherwise applicable to such area.

SPECIAL DEVELOPMENT PLAN SUB-DISTRICTS (PHASES).

In addition to approval of the Special Development Plan by the Board of Aldermen, the applicant shall be required to submit a Sub-District Development Plan for each identified phase which provides detailed information related to a specific phase of the development. The Sub-District Development Plan shall be in substantial conformance with the Special Development Plan as determined by the Board of Aldermen upon recommendation of the Plan Commission. The Sub-District Development Plan shall be in addition to any other required approvals such as site plan review or architectural review and may be submitted concurrently.

SUB-DISTRICT DEVELOPMENT PLAN.

The Sub-District Development Plan to be considered for each phase shall be drawn at a scale of one inch equals twenty feet (1 inch = 20 feet) or larger, unless otherwise approved by the Director of Planning and Development Services, setting forth at least the following:

1. The location, dimensions, and total area of the phase under consideration;
2. The location and use of each proposed building or structure, including floor areas and height of each in the subject phase;
3. The number and type of dwelling units in each building, and the overall dwelling unit density (if residential uses are proposed);
4. The location of open spaces including landscape buffers for the phase;
5. Architectural drawings including exterior elevations, floor plans, and cross sections for each of the buildings/structures in the subject phase;
6. The number and location of parking spaces and loading facilities associated with the subject phase;
7. The traffic circulation pattern within the subject phase, including the location and description of public improvements and streets to be installed;
8. Verification that the traffic impact has not substantially changed from the Special Development Plan approval and that the Sub-District Plan provides the mitigation measures as required in the original Traffic Impact Study.

9. The drainage plan for the development phase;
10. Copies of any restrictive covenants or easements/dedications that are to be recorded with respect to property in the proposed Sub-District Phase Plan;
11. Depictions on plans showing the Sub-District Development Plan is in compliance with approved Special Development Plan;
12. A plat of survey of the parcel of land, lot(s), block(s), or parts or portions thereof, drawn to scale, showing the actual dimensions of the parcel, lot(s), block(s), or parts or portions thereof, according to the registered or recorded plat of such land;
13. Other professional or technical studies or reports as may be required by the Director of Planning and Development Services to clearly understand this phase of the project. The applicant shall be responsible for any costs and/or expenses incurred as a result of engaging such outside professional assistance.

Each drawing shall be sealed, signed and dated, by the licensed entity who prepared the drawing or under whose immediate personal supervision the plan has been prepared. Revised plans and amended or modified approved plans shall also be so authenticated by the licensed entity who prepared the revision, amendment or modification to the drawing or under whose immediate personal supervision the plan has been revised, amended or modified;

CRITERIA FOR APPROVAL—SUB-DISTRICT DEVELOPMENT PLAN.

The approval criteria are designed to achieve the goals of the Special Development Plan as set forth in Section 11.1 of this Article. The Plan Commission shall recommend to the Board of Aldermen approval, with conditions or denial of the Sub-District Development Plan. In considering and acting upon development plans, landscape plans and other applicable plans, the Plan Commission shall take the following objectives into consideration through the special development process:

1. The proposed development is consistent with the Special Development Plan for this site;
2. Streets or other means of access to the proposed phase of development meet City of Clayton standards and are suitable and adequate to carry anticipated traffic;
3. The internal circulation system of the proposed phase encourages safe movement for vehicles and pedestrians and is in compliance with the

Special Development Plan;

4. Existing or proposed utility services are adequate for the proposed Sub-District and is in conformance with the Special Development Plan;
5. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;
6. Architecture and building materials are consistent with the design of the Special Development Plan, are consistent with other phases, and are compatible with the adjacent neighborhood;
7. Landscaping is appropriate with the scale of the development and consistent with any applicable City Codes, Ordinances and Standards.
8. Topography. Every attempt shall be made to preserve the topography of the property. If the topography must be altered to accommodate construction, the plan must contain specific information regarding the proposed topography change and its impact on the flow of drainage on adjacent properties.
9. New Plantings. New developments should be screened from adjacent properties by use of high caliber tree plantings. A landscape plan depicting all new plantings for the phase must be submitted as part of the plan.
10. Tree Preservation. The preservation of mature trees is encouraged. The developer/architect will be required to submit a plan showing trees and other significant plant material as they currently exist and how they will be preserved. Tree preservation must comply with the provisions of the Architectural Review Board Guidelines, Landscape Ordinance, and any other applicable City codes and standards. Landscape Plan requirements shall be in conformance with the City's adopted Landscape Ordinance.
11. The materials, design and uses are compatible with the neighborhood surrounding the proposed development phase and the City as a whole.
12. The proposed development phase complies with all other applicable codes and ordinances.

PROCEDURES FOR APPROVAL OF A SUB-DISTRICT DEVELOPMENT PLAN.

Upon the review of an application and plans, the Director of Planning and Development

Services, or his/her designee, shall, notify the applicant of any deficiencies and or modifications necessary to perfect the application. Once the submittal is deemed complete, the application is forwarded to the Plan Commission and Board of Aldermen for their consideration and approval, respectively. The application for a Sub-District Development Plan shall be reviewed and decided upon in accordance with the criteria outlined in Section 11.8 of this Article. Approval of the Sub-District Development Plan is determined by consideration of the phase's compliance with the Special Development Plan and good planning practices in the legislative discretion of the Board of Aldermen.

TIME LIMIT ON APPROVED SPECIAL DEVELOPMENT.

There shall be no time limit on an approved Special Development Plan; however, the Sub-District Development Plan shall be valid for a period no longer than one (1) year after approval by the Board of Aldermen unless a building permit is issued and construction is actually begun and is diligently pursued within that period. A written request for an extension of a Sub-District Development Plan must be received by the City Clerk not less than forty-five (45) days prior to the expiration of the original one-year period. The applicant shall bear the burden of providing just cause for delay, proof that the project remains the same and proof 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 Board of Aldermen.

REVOCATION.

The City shall have the authority to order the abatement, removal, and/or conformity of any Special Development, including Sub-Districts, or any portion, thereof that is contrary to any of the conditions and/or provisions of the approved Special Development. Provided, however, that the property owner was first served with an order to abate, remove, and/or bring into conformity the violation(s), and the property owner failed to comply with the order within ten (10) days of receiving the order and following a public hearing held in accordance with this Article. If the construction is deemed hazardous by the City, immediate action may be taken by the City to correct the situation.

ADJUSTMENTS/AMENDMENTS

No adjustment shall be made in the construction, development or use without a new application under the provisions of these Regulations. However, minor adjustments may be made subject to written approval by the City Manager. Additionally, a request for an extension to the date of completion may be approved by the Board of Aldermen upon recommendation from the Director of Planning and Development Services.

MINOR ADJUSTMENTS.

The City Manager may authorize minor adjustments to the approved Sub-District Development Plan when such adjustments appear necessary in light of technical or

engineering considerations. Such minor adjustments shall be limited to the following elements:

1. Adjusting the distance as shown on the approved Sub-District Development Plan between any one structure or group structures, and any other structure or group of structures, or any vehicular circulation element or any boundary of the site.
2. Adjusting the location of any open space.
3. Adjusting any final grade.
4. Altering the types of landscaping elements and their arrangement within the required landscaping buffer area.
5. The City Manager may decline to approve such minor adjustments if he/she deems the changes are significant, and refer the application to the Board of Aldermen (see Major Amendments).

Such minor adjustments shall be consistent with the intent and purpose of these Regulations and the approved Special Development Plan and Sub-District Development Plan, and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such adjustments would result in a violation of any standard or requirement of these Regulations.

MAJOR AMENDMENTS.

All major amendments to the approved Sub-District Development Plan will require a public hearing held by the Board of Aldermen and notice to all property owners whose properties are located within two hundred (200) feet of the special development sub-district. A request for an amendment to the approved Sub-District Development Plan shall be considered a major amendment, only if the following apply:

1. An increase or decrease in square footage or density from the original proposal;
2. Change in the number of parking spaces from the original approval;
3. Changes in proposed land uses (office become retail/restaurant);
4. Significant changes to the site, landscaping, and/or streetscape;
5. That the amendment requires a modification of any written conditions of approval or recorded easements;
6. Upon finding that any changes in the plan as approved will not be in

substantial conformity with the approved Sub-District Development Plan.

If the Board of Aldermen determines that a major amendment is not in substantial conformity with the approved Sub-District Development Plan, then the Board of Aldermen shall review the request and approve or disapprove the amendment. The fee for a major amendment to the approved Sub-District Development Plan shall be as set forth in the Fee Schedule as approved by the Board of Aldermen.