

## Section 405.095 "BD" Business District

### ***A. Intent and Purpose.***

**1.** The purpose of the "BD" Business District zoning is to provide a means of achieving greater flexibility in mixed-use development of land in a manner not possible in conventional zones; to encourage a more imaginative and innovative design of projects; to promote a more desirable community environment; to ensure efficient, responsive, and fiscally sustainable governance; responsive market-driven development; and to retain maximum control over both the structure and future operation of the development for the public good in order to achieve the following objectives:

**a.** The promotion of a creative approach to the use of land and related physical facilities resulting in a unified site, building and open space mixed-use development program for a high-quality Business District that provides public benefit and amenities for the community.

**b.** The use of large tracts of land in a manner which provides a cohesive phased development, minimizes construction impact, and maximizes future development opportunities of the overall district.

**c.** The combination, coordination and unified visual and aesthetic approach to architectural styles, building forms and building relationships covering different phases within a single development project.

**d.** The diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive and unified project.

**e.** The integration of urban design, landscape and architectural features to create a human-scaled, safe, inviting and vibrant setting, inclusive of the following (objectives below are for guidance only and are not required, in part or in all, to be fulfilled outside of the enumerated development requirements of this Section 405.095):

- i. A distinctive high-quality development that is representative of the City of Frontenac;
- ii. An efficient internal network of service, vehicular, and pedestrian-oriented streets that provides a well-scaled streetscape with generous sidewalks, street trees, human scaled lighting, parking as needed, and other street furniture.
- iii. Street level, high-quality landscape gardens, plazas and/or parks available for public use;
- iv. Limiting building height along Clayton Road from the site boundary to 200 feet inside of the site boundary, while permitting taller buildings along Lindbergh Boulevard and the interior of the area, where impacts to neighboring residential subdivisions is minimal;

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- v. Special design features such as public art, fountains and other water features, statues, walking paths and landscaped parkway entrances;
- vi. Architectural distinction and significance that make the development noteworthy;
- vii. Extensive use of high-quality building materials that add significant value to the property and benefit adjacent properties;
- viii. The necessary landscaped green buffers to the Interstate and adjacent neighborhoods; and
- ix. Improved pedestrian and vehicular connectivity for visitors, employees, and service with adjacent mixed-use development.

**f.** The elimination of deteriorated or obsolete structures, or incompatible land uses via cohesive and planned redevelopment or rehabilitation.

**g.** The rational, efficient and effective development in relation to the provision, operation and maintenance of public services.

**h.** The efficient and effective traffic circulation, both within and adjacent to the development site.

**i.** The provision and maintenance of new public, private and shared infrastructure, including, but not limited to, streets, curbs, sidewalks, bike amenities, sanitary sewers, stormwater sewers, lighting, landscaping, parks, community spaces, occupiable rooftops, and parking.

**j.** Environmental sustainability and resiliency in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.

**k.** Fiscally sound and responsible development for the long-term health of the public sector.

**l.** Development that meets the current and future needs of Frontenac's residents and visitors.

**m.** Facilitate implementation of the recommendations of the Comprehensive Plan.

**2.** The Board of Aldermen, after receiving the recommendation of the Planning and Zoning Commission and proceeding in accord with requirements of Section 405.220 of this Code of Ordinances, may by ordinance:

**a.** Rezone eligible property or properties to the "BD" Business District, as specified in the requirements of this Section; and

**b.** Approve a "BD" Business District development plan that conforms to all of the requirements of this Section.

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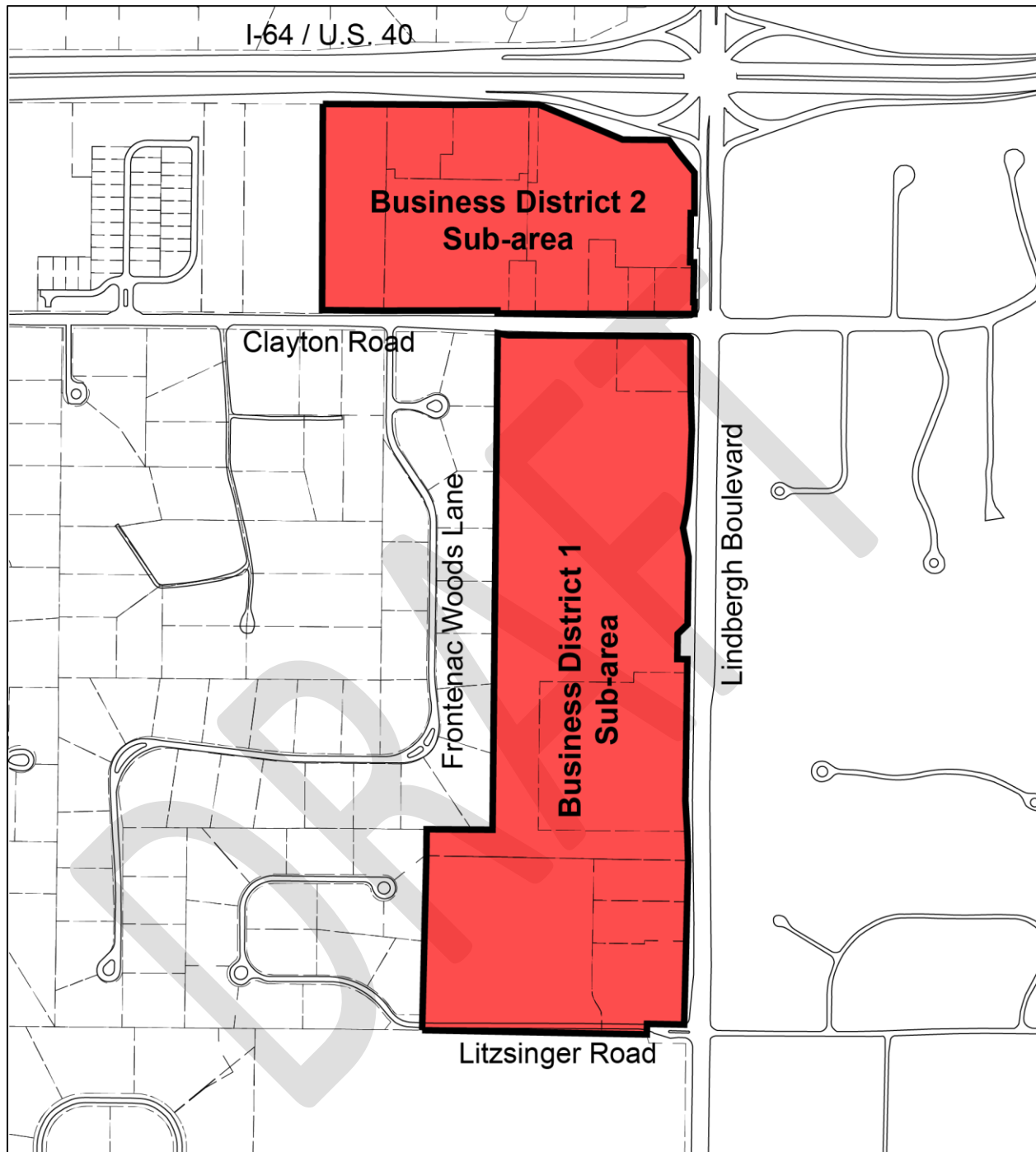
3. The “BD” Business District’s zoning is not intended to encourage excessively dense or incompatible land use development uses, either within the development’s boundaries or as the development relates to the general neighborhood. The requirements contained in this Section and the development plan approval ordinance must be strictly adhered to by the applicant and property owner(s).

4. Property or properties eligible for “BD” Business District rezoning are limited to existing properties within the geographical area specified in Section 2.1. “Future Land Use Plan” of the “Frontenac 2050 Comprehensive Plan Update”, as described in the legal description below and illustrated in **Figure A “BD” Business District Eligibility Boundaries**:

**a. Legal Description:** From the point located at the southwest corner of the lot at 10435 Clayton Road, northerly to the northwestern most corner of the lot at 10435 Clayton Road; easterly to the northwest corner of the lot at 10401 Clayton Road; easterly to the northwest corner of the lot at 10369 Clayton Road; easterly to the northwest corner of the lot at 10349 Clayton Road; south-southeasterly to the point that is the most northerly and easterly corner of the lot at 1335 South Lindbergh Boulevard; southerly to the southeast corner of the lot at 10301 Clayton Road; southerly across the right-of-way of Clayton Road to the northeast corner of the lot at 1601 South Lindbergh Boulevard; southerly to the southeast corner of the lot at 1601 South Lindbergh Boulevard; southerly to the northeast corner of the lot at 100 Plaza Frontenac Street; southerly to the southeast corner of the lot at 100 Plaza Frontenac Street; southerly to the southeastern most corner of the lot at 1701 South Lindbergh Boulevard; westerly to southwestern most corner of the lot at 1701 South Lindbergh Boulevard; northerly to the point at the intersection of the corner of the lot 1701 South Lindbergh Boulevard and the southern lot line of the lot at 10404 Frontenac Woods Lane; easterly to a point at the southeastern most corner of the lot at 1766 Frontenac Woods Lane and western lot line of the lot at 1701 South Lindbergh Boulevard; northerly to the northwestern most corner of the lot at 1701 South Lindbergh Boulevard; northerly across the right-of-way of Clayton Road to a point on the southern lot line of the lot at 10375 Clayton Road due north of the northwestern most corner of the lot at 1701 South Lindbergh Boulevard; easterly to the southwest corner of the lot at 10375 Clayton Road; easterly to the southwest corner of the lot at 10435 Clayton Road.

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FIGURE A: "BD" BUSINESS DISTRICT ELIGIBILITY BOUNDARIES



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### 5. Applicability and Definitions.

#### **a. Applicability:**

Requirements presented in this Section apply solely to “BD” Business District zoned parcels and are not intended, nor shall they be construed, to apply to any other parcels within the City of Frontenac.

#### **b. Definitions:**

The following definitions for terms used throughout this Section apply solely to regulations and conditions for “BD” Business District zoned parcels and are not intended, nor shall they be construed, to apply to any other parcels within the City of Frontenac.

- i. **Building Service Areas:** Off-street, paved courts used for the storage of trash dumpsters, recycling dumpsters, grease receptacles and other waste containers, and/or used to house mechanical equipment, electrical service panels, electrical transformers, gas meters, and other utility services and building equipment.
- ii. **Business District 1 Sub-area:** The portion of the geographic boundary eligible for rezoning to a “BD” Business District zone, as described in **Section 405.95.A.4.** and illustrated in **Figure A**, which is located south of Clayton Road.
- iii. **Business District 2 Sub-area:** The portion of the geographic boundary eligible for rezoning to a “BD” Business District zone, as described in **Section 405.95.A.4.** and illustrated in **Figure A**, which is located north of Clayton Road.
- iv. **Development Site (or “Site”):** A single parcel or group of parcels, meeting the requirements of **Section 405.95.C.3.a.**, for which a development plan has been approved.
- v. **Driveways:** Off-street, paved areas providing vehicular access solely between Building Service Areas, Loading Areas, and/or parking structures and Public Streets, Primary Internal Circulation Streets, and/or Service Roads / Alleys. Any vehicular ways which allow through traffic between Public Streets, Primary Internal Circulation Streets, and/or Service Roads / Alleys may not be classified or treated as Driveways.
- vi. **Ground Floor Primary Uses:** Uses such as boutiques, restaurants, coffee shops, bars, entertainment venues, and other retail and hospitality uses generally open for business on evenings and weekends. Primary uses support vibrant street activity and pedestrian access.
- vii. **Ground Floor Secondary Uses:** Uses such as banks, beauty parlors, fitness studios, dry cleaners, and other professional services and community services.
- viii. **Liner Building:** A mixed-use building which has been designed expressly to conceal an above-grade parking structure. Liner buildings shall be at least the full height of the parking structure and shall be occupied by non-parking uses for their entire height, subject to the requirements of **Section 405.095.E.** Liner buildings may be of shallow depth to facilitate site planning, but in no case shall be less than 30 feet deep, as measured from the front façade to the rear wall adjacent to or coterminous with the parking structure.
- ix. **Loading Areas:** Off-street, paved courts used for the temporary parking of vehicles off-loading goods or services necessary for use(s) within a building.
- x. **Primary Internal Circulation Streets:** A privately-owned, privately maintained street that functions as a publicly accessible street within a Business District Zone or Development Site.

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Primary Internal Circulation Streets shall have direct access to a publicly-owned, -operated, and -maintained street. Primary Internal Circulation Streets provide public access to building program areas (i.e. storefronts, restaurants, hotel lobbies, and residential lobbies) and shall be designed with a high degree of walkability to support active, vibrant ground floor primary uses.

- xi. **Public Street:** Streets which are owned, operated, and maintained by a public entity, including the City of Frontenac, St. Louis County Department of Transportation and Public Works, and Missouri Department of Transportation; for the purposes of this Section, these include Lindbergh Boulevard/Highway 67, Clayton Road, I-64/U.S. 40, and Litzsinger Road.
- xii. **Service Roads / Alleys:** A privately-owned, privately-maintained roadway that provides through-access at each end from either a Public Street or a Primary Internal Circulation Street (i.e. not a dead-end roadway), which functions to provide access to parking, Building Service Areas, and Loading Areas.
- xiii. **Site:** Refer to "Development Site"
- xiv. **Surface Parking Lots, Interim and/or Temporary:** Interim and/or Temporary parking lots are either (a) existing surface parking lots that provide parking for an existing building on a development site that will be redeveloped at a later phase, or (b) surface parking lots that are temporarily retained or constructed for construction activity or tenant use during a project's construction until permanent parking facilities are completed.
- xv. **Surface Parking Lots, In Limited Areas for Short-Term Use:** An area consisting of a single row of pull-in or back-in parking stalls (or "parking spaces"), located directly off of a Primary Internal Circulation Street or Service Road / Alley and oriented at an angle of between 45-degrees and 90-degrees to the Primary Internal Circulation Street of Service Road / Alley, for the purpose of providing parking for a limited timeframe (typically 30 minutes or less) for visitors of retail stores, bakeries, restaurants, and service businesses, or use vehicles providing building services or maintenance.

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### ***B. Relationship of “BD” Business District to The Zoning Map.***

#### **1. A mapped district.**

The "BD" Business District zoning is not intended to be attached to existing use districts as an overlay but is a distinct mapped zoning district.

#### **2. Development Plan approval required.**

Although the "BD" Business District designation applies to parcels of land mapped into a single zoning district, no rezoning of existing parcels to "BD" Business District zoning occurs absent a development plan reviewed and approved by the Board of Aldermen per ordinance and in conformance with the requirements of this Section. Any preexisting uses within the boundaries of an area rezoned to the "BD" Business District zoning shall be deemed non-conforming, as outlined in **Section 405.130**, until such time as they are redeveloped, reviewed, and approved for inclusion in an approved “BD” Business District development plan.

#### **3. Expansion of Business District.**

Existing parcels may be rezoned and added to an existing “BD” Business District provided that:

- a.** Said parcels are contiguous to the existing “BD” Business District zone; and
- b.** For the overall “BD” Business District, zoned site cohesion is improved; and
- c.** Traffic, access, and parking studies are conducted by the City of Frontenac to assess the impact of expansion internally to the site and externally to surroundings areas; and
- d.** An amended Development Plan is submitted and approved by the Board of Aldermen in conformance with the requirements of this Section.

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### ***C. Development Configuration, Height and Parking Requirements.***

#### **1. “BD” Business District Zoning Sub-Areas**

The area eligible for rezoning to “BD” Business District zoning is divided by Clayton Road into two (2) separate zoning sub-areas:

**a.** “Business District 1 Sub-area” south of Clayton Road (the “Plaza Frontenac / Lifetime Fitness site”); and

**b.** “Business District 2 Sub-area” north of Clayton Road (the “Hilton / Le Chateau site”)

Each zoning sub-area’s zoning requirements are calibrated to address the specific physical circumstances, context, and development considerations of that area.

#### **2. Business District 1 Sub-Area: Site Development Requirements**

*(Reserved)*

#### **3. Business District 2 Sub-Area: Site Development Requirements**

##### ***a. Minimum Site Area for a Business District:***

The minimum overall site area to be eligible for rezoning as a “BD” Business District zone shall be 12.5 acres, subject to the following conditions:

- i. A single parcel with a minimum size of 12.5 acres, of which no lot boundary shall be less than 500 feet in length; or
- ii. Multiple contiguous parcels owned by a single entity, with a combined minimum size of 12.5 acres, of which no side of the contiguous group of parcels shall be less than 500 feet in length; or
- iii. Multiple contiguous parcels owned by multiple entities, with a combined minimum size of 12.5 acres, of which no side of the combined contiguous group of parcels shall be less than 500 feet in length, under a legally enforceable development agreement meeting the following requirements:
  - a) The minimum term of said development agreement shall be the total time period for full completion of the approved “BD” Business District Development Plan, either in a single phase or in multiple phases; and
  - b) The development agreement may not be amended for 20 years from the date of the site’s Development Plan approval, unless the amendment is approved by the Board of Aldermen.

##### ***b. Minimum Configuration Requirements for a Business District:***

To be eligible for rezoning to the Business District (BD) zone, a single parcel or group of contiguous parcels must meet the following conditions:



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- i. A single parcel or group of contiguous parcels must be bounded by public roads on at least two (2) sides; and
- ii. A single parcel or group of contiguous parcels must be accessible from public roads on at least one (1) side.

### ***c. Requirements for Existing Parcels and Buildings:***

- i. If not encompassing the entire Business District 2 Sub-area, the configuration of the “BD” Business District zone parcels and their development plan shall, where feasible, provide for improved access and service to adjacent parcels not included in the “BD” Business District zone, for the purpose of facilitating the addition of said adjacent parcels to the “BD” Business District zone in the future.
- ii. At minimum, the site area configuration and development plan shall not inhibit or preclude existing access to and/or service of adjacent parcels, including emergency services access, either through the configuration of the site area boundary and/or the configuration of the site area development plan.
- iii. Existing access to and/or service of adjacent parcels may be modified, provided that the owner(s) of said parcels consent to the modification, the modification is approved by the City of Frontenac as required, and the modification is recorded as a legally-binding agreement (i.e. access easement, deed restriction, etc.).
- iv. Building(s) existing on the development site may be incorporated into the development plan, subject to the following conditions:
  - a) Existing building(s) may be incorporated as is with no improvements or modifications, notwithstanding the requirements of this Section.
  - b) Existing building(s) may be incorporated with improvements or modifications to the façade and/or roof, notwithstanding the requirements of this Section, provided that there is no increase to the building drip line area (DLA) and/or height. Façade and roof improvements and modifications must conform to all requirements of **Section 405.095.**

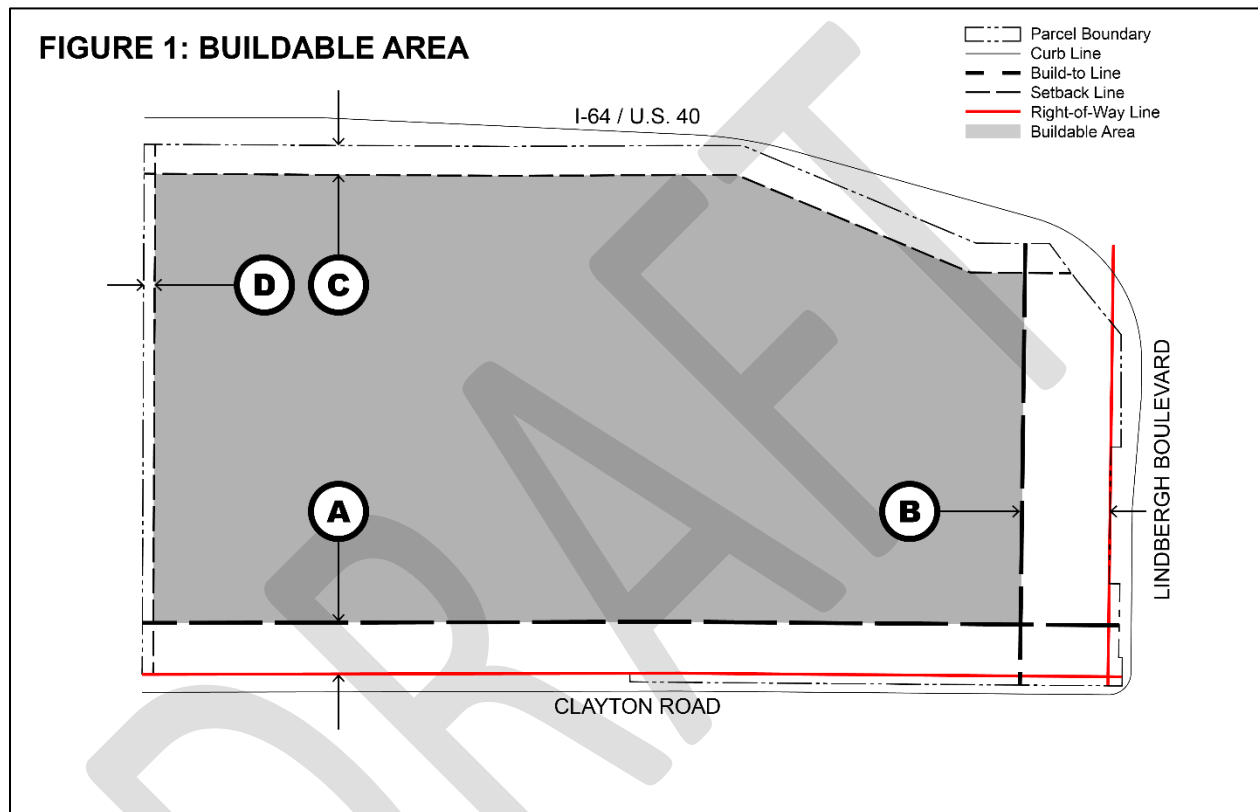
### ***D. “BD” Business District Architectural Design Standards.***

- c) Existing building(s) may be incorporated with additions that increase the building drip line area (DLA), notwithstanding the requirements of this Section, provided that:
  - 1) The increase is 25% or less of the existing drip line area (DLA); and
  - 2) The additions are not located between either an existing building façade and Clayton Road, or an existing building façade and Lindbergh Boulevard.
- d) If the existing building(s) are to be incorporated with additions that increase the height of the existing building(s), then the building(s) must conform to the requirements of this Section.
- e) If the existing building(s) are to be incorporated with additions that increase the footprint of the existing building(s) by greater than 25% of the existing building drip line area (DLA), then the additions must conform to the requirements of this Section.
- f) If the existing building(s) are to be incorporated with additions that are located between either an existing building façade and Clayton Road, or an existing building

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façade and Lindbergh Boulevard, then the additions must conform to the requirements of this Section.

- g) The existing building(s) are not reduced in either building drip line area (DLA) or building height.
- v. Existing buildings to be demolished and permanently removed from the site shall be demolished according to a schedule that facilitates the timeline of the development project and minimizes the period of time between demolition and construction during which the site remains vacant.



**d. Buildable Area Build-To-Line (Refer to Figure 1 – Buildable Area) Requirements for a Business District:**

All buildings directly adjacent to Clayton Road and Lindbergh Boulevard shall be placed at the build-to line specified here:

- i. Clayton Road Build-To Line: **A line parallel to and seventy (70) feet north of the northernmost right-of-way line of Clayton Road [A]**

*NOTE: Business District 2 Sub-area contains seven (7) existing individual parcels with frontages on Clayton Road, and these parcels do not share a single continuous property line along Clayton Road. In order to establish a single continuous Build-To Line, the Build-To Line shall be measured from the position of the northernmost Clayton Road right-of-way line, and east and west across the Clayton Road Frontage of Business District 2 Sub-area, as indicated by the red "Right-of-Way Line" in Figure 1.*

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- ii. Lindbergh Boulevard Build-To-Line: **A line parallel to and one hundred twenty (120) feet west of the westernmost right-of-way line of Lindbergh Boulevard [B]**

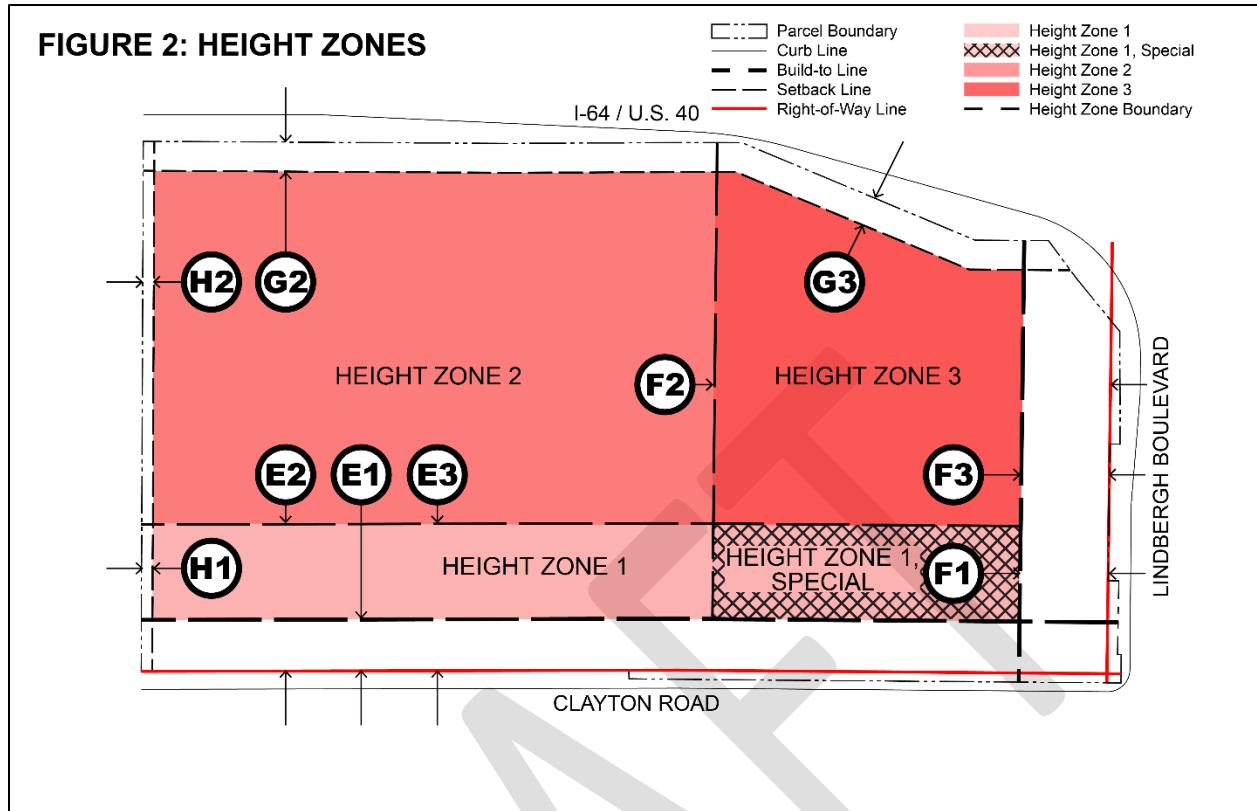
*NOTE: Business District 2 Sub-area contains two (2) existing individual parcels with frontages on Lindbergh Boulevard, and these parcels do not share a single continuous property line along Lindbergh Boulevard. In order to establish a single continuous Build-To Line, the Build-To Line shall be measured from the position of the westernmost Lindbergh Boulevard right-of-way line, extended north and south across the Lindbergh Boulevard Frontage of Business District 2 Sub-area, as indicated by the red "Right-of-Way Line" in Figure 1.*

### ***e. Build-To-Line Building Form Requirements for a Business District:***

- i. Minimum percentage of Build-To Line that shall be occupied by buildings: **65%**
- ii. Building Frontage:
  - a) **Buildings placed on the Clayton Road Build-To Line shall have their primary façade and at least one building (1) entrance facing Clayton Road; it is not permitted for the rear of a building to face Clayton Road.**
  - b) **Buildings placed on the Lindbergh Boulevard Build-To Line shall have their primary façade and at least one (1) building entrance facing Lindbergh Boulevard; it is not permitted for the rear of a building to face Lindbergh Boulevard.**

### ***f. Buildable Area Setback Requirements for a Business District (Refer to Figure 1 – Buildable Area):***

- i. I-64 / U.S. 40 Setback: **40 feet minimum [C]**
- ii. Adjacent Non-Residential Properties Setback: **15 feet minimum [D]**



**g. Building Height Requirements for a Business District (Refer to Figure 2 – Height Zones):**

Minimum and maximum building heights shall be governed according to the following Height Zones:

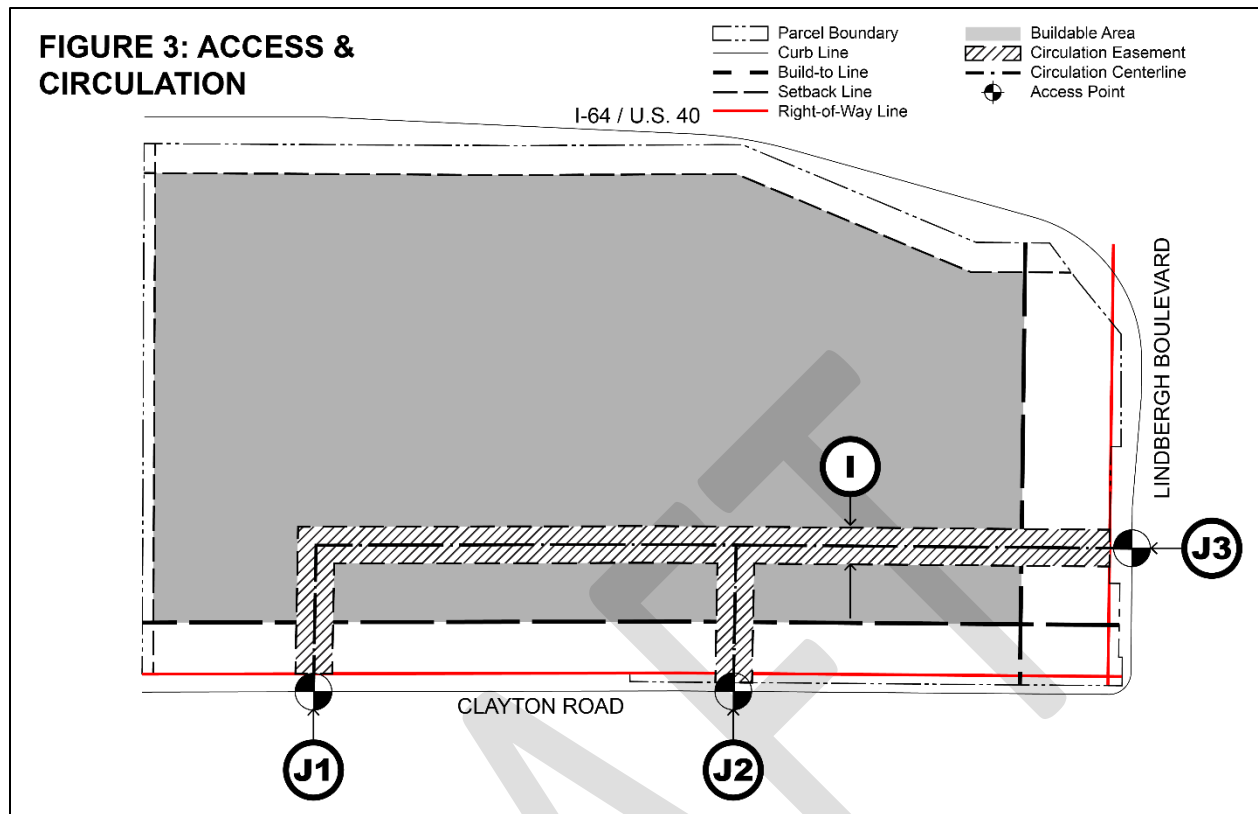
- i. “Height Zone 1”
  - a) “Height Zone 1” Boundaries
    - 1) Southern Boundary: **70-foot Clayton Road Build-To Line [E1]**
    - 2) Eastern Boundary: **120-foot Lindbergh Boulevard Build-To Line [F1]**
    - 3) Northern Boundary: **200 feet north of Clayton Road Setback Reference Line [E2] / [E3]**
    - 4) Western Boundary: **15-foot adjacent non-residential properties setback [H1]**
  - b) “Height Zone 1” Requirements
    - 1) Minimum Building Height: **26 feet above mean grade of Clayton Road curb elevation**
    - 2) Maximum Building Height: **615 feet fixed elevation above mean sea level (MSL)**
    - 3) Minimum Ground Story Floor to Ceiling Height: **12 feet**
    - 4) Minimum Upper Story Floor to Ceiling Height: **10 feet**
- ii. “Height Zone 1, Special”
  - c) “Height Zone 1, Special” Boundaries
    - 1) Southern Boundary: **70-foot Clayton Road Build-To Line [E1]**
    - 2) Eastern Boundary: **120-foot Lindbergh Boulevard Build-To Line [F1]**

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- 3) Northern Boundary: **200 feet north of Clayton Road Setback Reference Line [E2] / [E3]**
- 4) Western Boundary: **540 feet west of Lindbergh Boulevard Setback Reference Line [F2]**
- d) "Height Zone 1, Special" Requirements
  - 1) Minimum Building Height: **26 feet above mean grade of Clayton Road curb elevation**
  - 2) Maximum Building Height: The Board of Alderman may authorize a deviation from maximum 615 feet fixed elevation above mean sea level (MSL) up to maximum 660 feet fixed elevation above mean sea level (MSL), subject to the following conditions:
    - a. Doing so will enable the construction of an architecturally significant building or feature; and
    - b. Such an architecturally-significant building or feature will serve to highlight the location and its role as a "gateway entrance" to the City of Frontenac.
  - 3) Minimum Ground Story Floor to Ceiling Height: **12 feet**
  - 4) Minimum Upper Story Floor to Ceiling Height: **10 feet**
- iii. "Height Zone 2"
  - a) "Height Zone 2" Boundaries
    - 1) Southern Boundary: **200 feet north of Clayton Road Setback Reference Line [E2]**
    - 2) Eastern Boundary: **540 feet west of Lindbergh Boulevard Setback Reference Line [F2]**
    - 3) Northern Boundary: **40-foot I-64 / U.S. 40 Setback [G2]**
    - 4) Western Boundary: **15-foot adjacent non-residential properties setback [H2]**
  - b) "Height Zone 2" Requirements
    - 1) Minimum Building Height: **2 stories or 26 feet above mean grade, whichever is less**
    - 2) Maximum Building Height: **645 feet fixed elevation above mean sea level (MSL)**
    - 3) Minimum Ground Story Floor to Ceiling Height: **12 feet**
    - 4) Minimum Upper Story Floor to Ceiling Height: **10 feet**
- iv. "Height Zone 3"
  - a) "Height Zone 3" Boundaries
    - 1) Southern Boundary: **200 feet north of Clayton Road Setback Reference Line [E3]**
    - 2) Eastern Boundary: **120-foot Lindbergh Boulevard Build-To Line [F3]**
    - 3) Northern Boundary: **40-foot I-64 / U.S. 40 Setback [G3]**

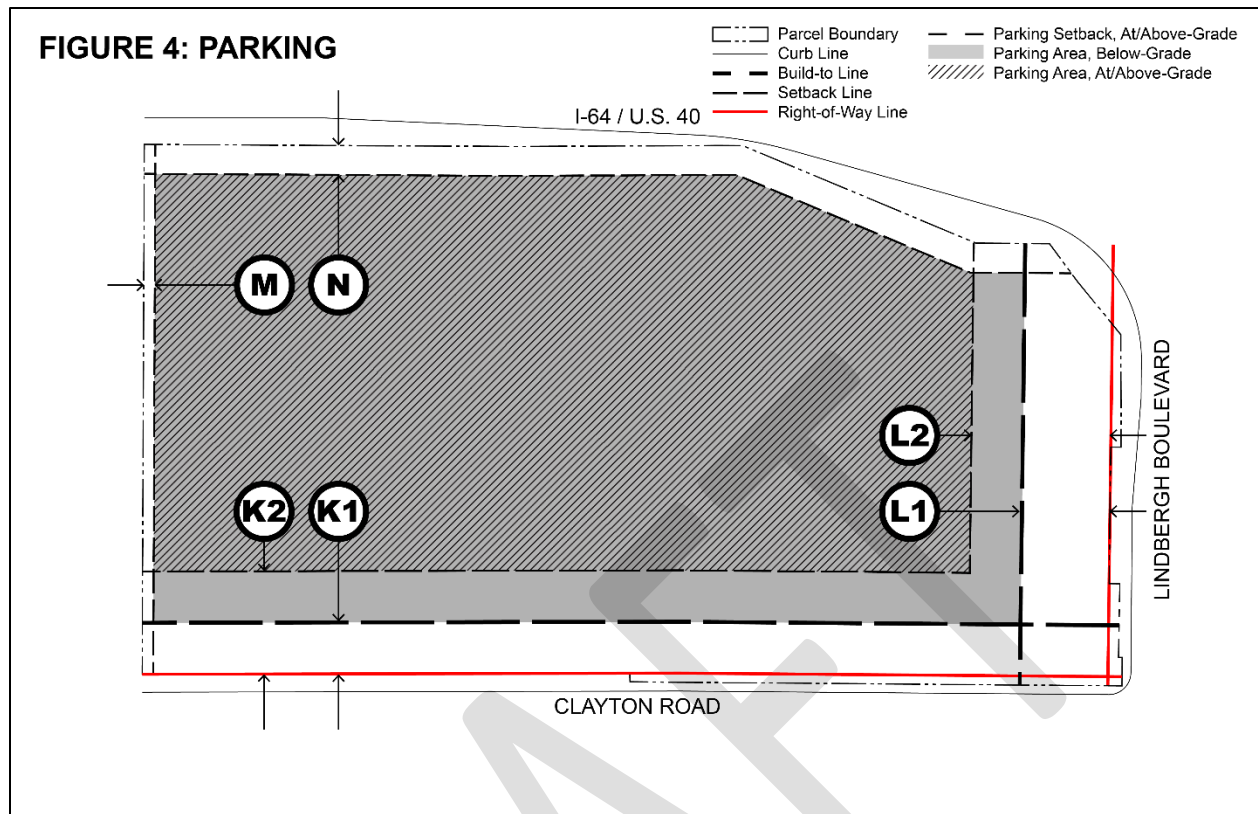
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- 4) Western Boundary: **540 feet west of Lindbergh Boulevard Setback Reference Line [F2]**
- b) "Height Zone 3" Requirements
  - 1) Minimum Building Height: **2 stories or 26 feet above mean grade of Lindbergh Boulevard curb elevation, whichever is less**
  - 2) Maximum Building Height: **660 feet fixed elevation above mean sea level (MSL)**
  - 3) Minimum Ground Story Floor to Ceiling Height: **12 feet**
  - 4) Minimum Upper Story Floor to Ceiling Height: **10 feet**
- v. Building Height – General Conditions
  - a) In order to accommodate the overland flow path requirement of the Metropolitan Sewer District of St. Louis (MSD), overall building heights may be increased by a maximum distance of **the difference between the site grade and calculated base flood elevation (BFE), plus three (3) feet**, according to the following definitions and example:
    - 1) *Overland flow path requirement.* The MSD overland flow path requirement mandates that an above-ground, natural floodway be maintained through the site to account for stormwater runoff that exceeds the capacity of the existing storm sewer(s) that serve the site, based on a 100-year (1% probability), 20-minute rainfall event ("design condition rainfall event").
    - 2) *Base flood elevation.* Based upon site topography, impervious surface coverage, storm sewer capacity, and other factors, the depth and extent of above-ground water generated by the design condition rainfall event will result in a specific water elevation, referred to as the "base flood elevation" ("BFE").
    - 3) In areas where a BFE is present due to overland flow requirements, building heights may be increased as illustrated in the following example for Height Zone 2:
      - I. Height Zone 2: Maximum building height = 645 feet MSL
      - II. Example site elevation = 571 feet MSL
      - III. Example overland flow path BFE = 575 feet MSL (4 feet above grade difference)
      - IV. Allowable building height increase: 4 feet + 3 feet = 7 feet; 645 feet MSL + 7 feet = 652 feet MSL allowable increased maximum building height
  - b) For pitched roofs, gabled roofs, and hipped roofs, building height shall be measured to the mean distance between the roof eave line and the roof peak.
  - c) Building parapet walls may extend up to six (6) feet above the maximum building height.
  - d) Architectural features, including features related to occupiable roofs, may extend up to 12 feet above the maximum building height, subject to the requirements of **Section 405.095.D.1.a.iv.**



***h. Site Access Points & Circulation Requirements for a Business District (Refer to Figure 3 – Access & Circulation):***

- i. Maintain the existing 4-way intersection at Clayton Road and Frontenac Woods / Le Chateau; enhance with a marked crosswalk and HAWK signal. **[J1]**
- ii. Maintain existing signalized intersection at Clayton Road and Frontenac Hilton Drive. **[J2]**
- iii. Maintain existing Lindbergh Boulevard entrance to Frontenac Hilton. **[J3]**
- iv. Connect access points J1, J2, and J3 with a Primary Internal Circulation Street with a minimum right-of-way (ROW) width of **50 feet [I]**
- v. Any “BD” Business District that is less than coterminous with the boundary of the “Business District 2 Sub-area” shall include at least two (2) of the access points J1, J2, and J3.
- vi. Additional access points may be permitted, subject to the following conditions:
  - a) One or more additional access points are requested by the project owner; and
  - b) A traffic study, contracted by the City of Frontenac, supports the additional access point(s) requested; and
  - c) The petitioner or applicant reimburses the City of Frontenac for all costs for the execution of said study, as provided for in **Section 100.136**; and
  - d) The approved development plan authorizes the additional access point(s) requested.
- vii. Any other vehicular access driveways to and/or from Clayton Road and/or Lindbergh Boulevard, except those conforming to the requirements herein, are prohibited.



**i. Parking Area Setbacks Requirements for a Business District (Refer to Figure 4 – Parking):**

**i. Below-Grade Parking**

- a) Clayton Road Build-To Line: **70 feet minimum [K1]**
- b) Lindbergh Boulevard Setback: **120 feet minimum [L1]**
- c) Adjacent Non-Residential Properties Setback: **15 feet minimum [M]**
- d) I-64 Setback: **40 feet minimum [N]**

**ii. Above-Grade Parking**

- a) Clayton Road Build-To Line: **140 feet minimum [K2]**
- b) Lindbergh Boulevard Setback: **190 feet minimum [L2]**
- c) Adjacent Non-Residential Properties Setback: **15 feet minimum [M]**
- d) I-64 Setback: **40 feet minimum [N]**

**iii. Surface parking lots are prohibited, subject to the following exceptions:**

- a) In a multi-phased development project, interim and/or temporary surface parking lots may be permitted during the project's construction, for a period of not more than five (5) years following the commencement of construction. In the case of multi-phased development, five (5) years shall begin at the commencement of the final Phase of construction.
- b) Surface parking lots may be permitted in limited areas of not more than 30 parking stalls per area for short-term parking limited to 30 minutes or less.



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- iv. Free-standing, above-grade parking garages shall be concealed from all Public Streets and Primary Internal Circulation Streets with a Liner Building (refer to definition in **Section 405.095.A.5.**).
- v. Free-standing, above-grade parking garages may be visible from service roads / alleys ONLY.
- vi. Parking garage access requirements:
  - a) For both above-grade and below-grade parking garages, access may be provided from Primary Internal Circulation Streets, subject to the limitations in **Section 405.095.E.7.**
  - b) For both above-grade and below-grade parking garages, access may be provided from Service Roads / Alleys with no limitations.

### ***j. Minimum Parking Requirements for a Business District :***

- i. Parking shall be provided to be shared among all uses present on the development site.
- ii. For residential uses: **parking shall be provided at a ratio of two (2) parking spaces per residential unit.**
- iii. For assembly uses (inclusive of but not limited to conference centers and banquet halls): **parking shall be provided at a ratio of one (1) parking space per four (4) seats of maximum occupancy.**
- iv. For all other non-residential uses:
  - a) For non-residential uses less than 10,000 square feet of total gross floor area (GFA): **No minimum parking requirement**
  - b) For non-residential uses greater than 10,000 square feet of total gross floor area (GFA): **Parking shall be provided at a ratio of one (1) parking space per 600 square feet of total gross floor area (GFA) above 10,000 square feet.**
- v. Except for residential uses and assembly uses, required parking may be provided as street parking along interior roads.
- vi. An independent access, circulation, and parking study shall be conducted for the proposed development plan, subject to the following conditions:
  - a) The study shall be contracted by the City of Frontenac; and
  - b) The petitioner or applicant shall reimburse the City of Frontenac for all costs for the execution of said study, as provided for in **Section 100.136**; and
  - c) The development plan submitted for approval incorporates the findings of the access, circulation, and parking study.

### ***k. Site Coverage Requirements for a Business District :***

- i. Minimum Site Coverage Percentage: **30%**
- ii. Maximum Site Coverage Percentage: **50%**
- iii. Site coverage consists of the following:
  - a) Buildings;
  - b) Parking structures;
  - c) Open-air pavilions and other free-standing structures covered by a roof;

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- d) Loggias, canopies, and other open-air structures attached to buildings and covered by a roof; and
  - e) Open air terraces, balconies, and occupiable roofs, whether covered or uncovered, located above grade.
- iv. *Site Coverage – How to Measure.* Site coverage shall be measured as the total sum of the area of the maximum extent of all contributing elements, including extending and/or overhanging elements of the building or structure (i.e. projecting balconies and/or overhanging eaves), otherwise referred to as the “drip line” of the buildings and/or structures.

### ***I. Open Space Requirements for a Business District:***

- i. Minimum Open Space Percentage: **50%**
- ii. Maximum Open Space Percentage: **70%**
- iii. Open space consists of any areas of the site not classified as site coverage, including:
  - a) Streets, roads, and driveways within the site boundary;
  - b) Non-structured parking, loading, and building service areas within the site boundary;
  - c) Sidewalks and pedestrian paths within the site boundary;
  - d) On-grade patios and terraces not covered by a roof;
  - e) On-grade plazas and squares, whether publicly-accessible or not publicly-accessible;
  - f) On-grade swimming pools, tennis courts, pickleball courts, and other similar recreational facilities not covered by a roof;
  - g) Planting beds and other landscape areas;
  - h) Landscape buffer zones;
  - i) On-grade, access-restricted lawns, including dog parks and recreational lawns for hotel guests or owners of residential condominiums;
  - j) Open lawn areas and stands of trees; and
  - k) Any other space not classified as site coverage and not enumerated herein.
- iv. *Open Space Coverage – How to Measure.* Open space shall be measured as the total site area contained within the parcel boundary or, if multiple parcels, the sum of the total site area contained within each constituent parcel, minus the total site coverage as specified in **Section 405.095.C.3.k.iv.**

### ***m. Public Gathering Space Requirements for a Business District:***

- i. *Public Gathering Space – Definition.* The development site shall include a minimum of one (1) contiguous publicly accessible open gathering space in the form of a plaza or square, subject to the following conditions:
  - a) Each public gathering space shall be no less than one (1) acre (43,560 square feet);
  - b) The public gathering space shall be round, ovoid, or generally square or rectangular in shape;
  - c) The entire perimeter of the public gathering space shall provide at-grade access to adjacent uses, subject to the following requirements:

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- 1) The public gathering space shall have a maximum of 50% of its perimeter (for round or ovoid-shaped plans) or at least two (2) sides (for generally square or rectangular shaped plans) open to the street in a manner that directly meets the elevation of the adjacent grade without requiring the use of steps, ramps, or other elements to facilitate movement between two dissimilar elevations; and
  - 2) The public gathering space shall have a minimum of 50% of the perimeter (for round or ovoid-shaped plans) or at least two (2) sides (for generally square or rectangular shaped plans) bounded by buildings that feature ground floor primary uses, as defined in **Section 405.095.E.7.**, facing the public gathering space.
- ii. The public gathering space shall be well landscaped and include pedestrian infrastructure and seating. A public use plan for the public gathering space shall be provided.
  - iii. The design of the public gathering space shall be reviewed and approved by the Architectural Review Board (ARB) as a required part of the development plan approval process.

### ***n. Design Requirements for Streets and Roads Internal to Business District 2 Sub-area – Primary Internal Circulation Streets:***

- i. Primary internal circulation streets shall be subject to the following design requirements:
  - a) Streets shall be designed and operated to accommodate two- (2) way vehicular traffic.
  - b) Streets shall be designed with a minimum of two (2) traffic lanes (one travel lane in each opposing direction) and a maximum of three (3) traffic lanes (one travel lane in each opposing direction with a center bi-directional turn lane).
  - c) Lanes shall have a minimum width of 10 feet and shall have a maximum width of 12 feet.
  - d) A parallel parking lane may be provided between the outer travel lane and the curb on one (1) side or both sides of the street; parallel parking lanes shall have a minimum width of eight (8) feet and a maximum width of 10 feet.
  - e) Perpendicular and/or angled parking stalls may be provided between the outer travel lane and the curb on one (1) side or both sides of the street; parking stalls shall have a minimum width of nine (9) feet and a maximum width of 10 feet; parking stalls shall have a minimum usable depth of 19 feet and a maximum usable depth of 21 feet.
  - f) Street intersections shall have a minimum corner radius of eight (8) feet and a maximum corner radius of 12 feet.
  - g) Streets shall be bounded on both sides by a vertical curb.
  - h) Outside of the vertical curbs, a tree lawn, planting strip, or tree wells shall be provided on both sides; the tree lawn or planting strip shall have a minimum width of five (5) feet; tree wells shall have a minimum dimension of five (5) feet by five (5) feet and shall be located at a maximum interval of 20 feet on center (O.C.); street trees shall be planted at a maximum interval of 20 feet on center (O.C.).
  - i) Outside of the tree lawn, planting strip, or tree well zone, a paved sidewalk area shall be provided on each side. The sidewalk shall have a minimum clear width of eight (8) feet.

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- j) At each intersection, ADA-compliant curb ramps with a textured surface shall be provided, perpendicular to the centerline of the street.
  - k) At each ADA compliant curb ramp, a crosswalk shall be provided; the crosswalk shall be designated with a change in pavement material that is at least six (6) feet wide and constructed from a smooth, flush, slip resistant material. Vehicular stop bars shall be painted on the road surface at least four (4) feet from the edge of the crosswalk.
  - l) Streetlights shall be provided at a maximum interval of 40 feet on-center (O.C.).
- ii. For all design specifications not enumerated in **Section 405.095.C.3.n.i.**, streets shall conform to the specifications set forth by the Missouri Department of Transportation (MODOT) in *Missouri Standard Specifications for Highway Construction (current edition)* (<https://www.modot.org/missouri-standard-specifications-highway-construction>).

### ***o. Streetscape Requirements for Clayton Road:***

- i. Clayton Road adjacent to Business District 2 Sub-area shall be subject to the following design requirements for streetscape improvements:
  - a) Grade elevation at the Clayton Road curb shall be extended north to the 70-foot Clayton Road Build-To Line, so that buildings with frontage on Clayton Road have on-grade access from Clayton Road.
  - b) The area between the Clayton Road curb and the 70-foot Clayton Road Build-To Line shall be landscaped, so as to provide a distinctive and aesthetically attractive landscape zone along Clayton Road.
  - c) It is encouraged that buildings with frontage on Clayton Road shall have patios, terraces, and awnings within the area between the Clayton Road curb and the 70-foot Clayton Road Build-To Line, for the purposes of outdoor dining and other outdoor programs.
  - d) Outside of the vertical curb, a tree lawn, planting strip, or tree wells shall be provided; the tree lawn or planting strip shall have a minimum width of five (5) feet; tree wells shall have a minimum dimension of five (5) feet by five (5) feet and shall be located at a maximum interval of 20 feet on center (O.C.); street trees shall be planted at a maximum interval of 20 feet on center (O.C.).
  - e) Outside of the tree lawn, planting strip, or tree well zone, a paved sidewalk or multi-use path area shall be provided. The sidewalk shall have a minimum clear width of eight (8) feet; if a multi-use path is provided instead of a sidewalk, the multi-use path shall have a minimum clear width of 16 feet, and the bicycle portion of the multi-use path shall be differentiated from the pedestrian portion of the multi-use path with a paving material change.
  - f) At each intersection, ADA-compliant curb ramps with a textured surface shall be provided, perpendicular to the centerline of the street.
  - g) At each ADA compliant curb ramp, a crosswalk shall be provided; the crosswalk shall be designated with a change in pavement material that is at least six (6) feet wide and constructed from a smooth, flush, slip resistant material. Vehicular stop bars shall be painted on the road surface at least four (4) feet from the edge of the crosswalk.

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*h)* Streetlights shall be provided at a maximum interval of 40 feet on-center (O.C.).

***p. Streetscape Requirements for Lindbergh Boulevard:***

- i. Lindbergh Boulevard adjacent to Business District 2 Sub-area shall be subject to the following design requirements for streetscape improvements:
  - a) The area between the Lindbergh Boulevard curb and the 120-foot Lindbergh Boulevard Build-To Line shall be landscaped, so as to provide a distinctive and aesthetically attractive landscape zone along Lindbergh Boulevard.
  - b) The area between the Lindbergh Boulevard curb and the 120-foot Lindbergh Boulevard Build-To Line is permitted and encouraged to have a hotel drop-off drive, porte cochere, and valet station, all of which may encroach into said area. No parking facilities other than parallel parking spaces for temporary parking or valet operations within the hotel drop-off drive are permitted.
  - c) It is encouraged that buildings with frontage on Lindbergh Boulevard shall have patios, terraces, and awnings within the area between the Lindbergh Boulevard curb and the 120-foot Lindbergh Boulevard Build-To Line, for the purposes of outdoor dining and other outdoor programs.
  - d) Outside of the vertical curb, a tree lawn, planting strip, or tree wells shall be provided; the tree lawn or planting strip shall have a minimum width of five (5) feet; tree wells shall have a minimum dimension of five (5) feet by five (5) feet and shall be located at a maximum interval of 20 feet on center (O.C.); street trees shall be planted at a maximum interval of 20 feet on center (O.C.).
  - e) At each intersection, ADA-compliant curb ramps with a textured surface shall be provided, perpendicular to the centerline of the street.
  - f) At each ADA compliant curb ramp, a crosswalk shall be provided; the crosswalk shall be designated with a change in pavement material that is at least six (6) feet wide and constructed from a smooth, flush, slip resistant material. Vehicular stop bars shall be painted on the road surface at least four (4) feet from the edge of the crosswalk.
  - g) Streetlights shall be provided at a maximum interval of 40 feet on-center (O.C.).

***q. Design Requirements for Streets and Roads Internal to Business District 2 Sub-area – Service Roads / Alleys:***

- i. Service streets / alleys shall be subject to the following design requirements:
  - a) Service roads / alleys shall be designed and operated to accommodate either one- (1) way or two- (2) way vehicular traffic.
  - b) Service roads / alleys shall be designed with a minimum of one (1) traffic lane (one-way traffic only) and a maximum of two (2) traffic lanes (one travel lane in each opposing direction).
  - c) Lanes on one- (1) way service roads / alleys shall have a minimum width of 14 feet and a maximum width of 18 feet.
  - d) Lanes on two- (2) way service roads / alleys shall have a minimum width of 10 feet and shall have a maximum width of 12 feet.

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- e) Road / alley intersections shall have a minimum corner radius of eight (8) feet and a maximum corner radius of 12 feet.
- f) At each point at which a pedestrian sidewalk crosses a road / alley, ADA-compliant curb ramps with a textured surface shall be provided, perpendicular to the centerline of the road / alley.
- g) At each ADA compliant curb ramp, a crosswalk shall be provided; the crosswalk shall be designated with a painted indication.

### ***r. Design Requirements for Driveways, Loading Areas, and Building Service Areas for a Business***

#### ***District:***

- i. No driveway, loading area, or building service area shall be located between a building and the nearest adjacent public street.
- ii. No driveway with the exception of parking structure entrances/exits, loading area, or building service area shall directly face a public street or primary internal circulation street; all driveways, loading area, and building service areas shall be located off of service roads / alleys.
- iii. Any driveway, loading area, or building service area inside the development site boundary that faces an adjacent property outside of the development site boundary shall be screened from view by a landscape wall, decorative fence, or landscaping.
- iv. Trash dumpsters, recycling bins, grease receptacles, and other waste facilities must be contained within enclosures and shall be screened from view by a landscape wall, decorative fence, or landscaping.

### ***s. Landscaping and Site Design Requirements for a Business District:***

- i. The development site is to be well-landscaped and include pedestrian infrastructure.
- ii. Streets and roads within the development site boundary shall have street trees planted on both sides of the street in the provided tree lawn, planting strip, and/or tree wells (refer to **Section 405.095.C.3.n.i.(h)**) at a minimum interval of 20 feet on center (O.C.)
- iii. Streets, roads, and driveways within the development site boundaries and adjacent to site boundaries shall have a landscape buffer with a minimum width of 20 feet.
- iv. Surface parking and vehicular driveways adjacent to development site boundaries shall have a landscape buffer with a minimum width of 20 feet.
- v. Open space along Clayton Road and Lindbergh Boulevard shall be landscaped.
- vi. Open space along I-64 / U.S. Highway 40 shall be landscaped.
- vii. Open space along any adjacent parcel boundaries outside of the site area shall be landscaped.
- viii. Site design and landscaping shall be reviewed by the Architectural Review Board (ARB) in the development plan review process, and the design may be approved, approved with conditions, or denied at the discretion of the Architectural Review Board (ARB).
- ix. Landscaping and site design shall conform to the requirements of **Chapter 506 Stormwater Regulations**.

### ***t. Sign Requirements for a Business District:***

- i. Signage shall conform to the requirements of **Chapter 525 Sign Regulations**.

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### ***u. Utility Requirements for a Business District:***

- i. All above-ground lines along Clayton Road, inclusive of electrical feeder lines, telecommunication lines, co-axial cable lines, and fiber optic lines, shall be relocated underground when adjacent to any development site.
- ii. Building electrical, telecommunication, and cable service from either above-ground or underground electrical feeder lines shall be located underground.
- iii. All Electrical transformers, building electrical service connections, building electric meters, building telecommunication connections, building co-axial cable connections, building fiber optic connections, building gas meters, and all other above-ground utility connections shall be located either within building service areas or off of service roads / alleys and shall be screened from view by a landscape wall, decorative fence, or landscaping.
- iv. Where required, on-site stormwater detention facilities shall be located underground in subterranean vaults; at-grade stormwater detention facilities are prohibited.

## ***D. "BD" Business District Architectural Design Standards.***

### **1. Building Articulation**

#### ***a. Building Facades***

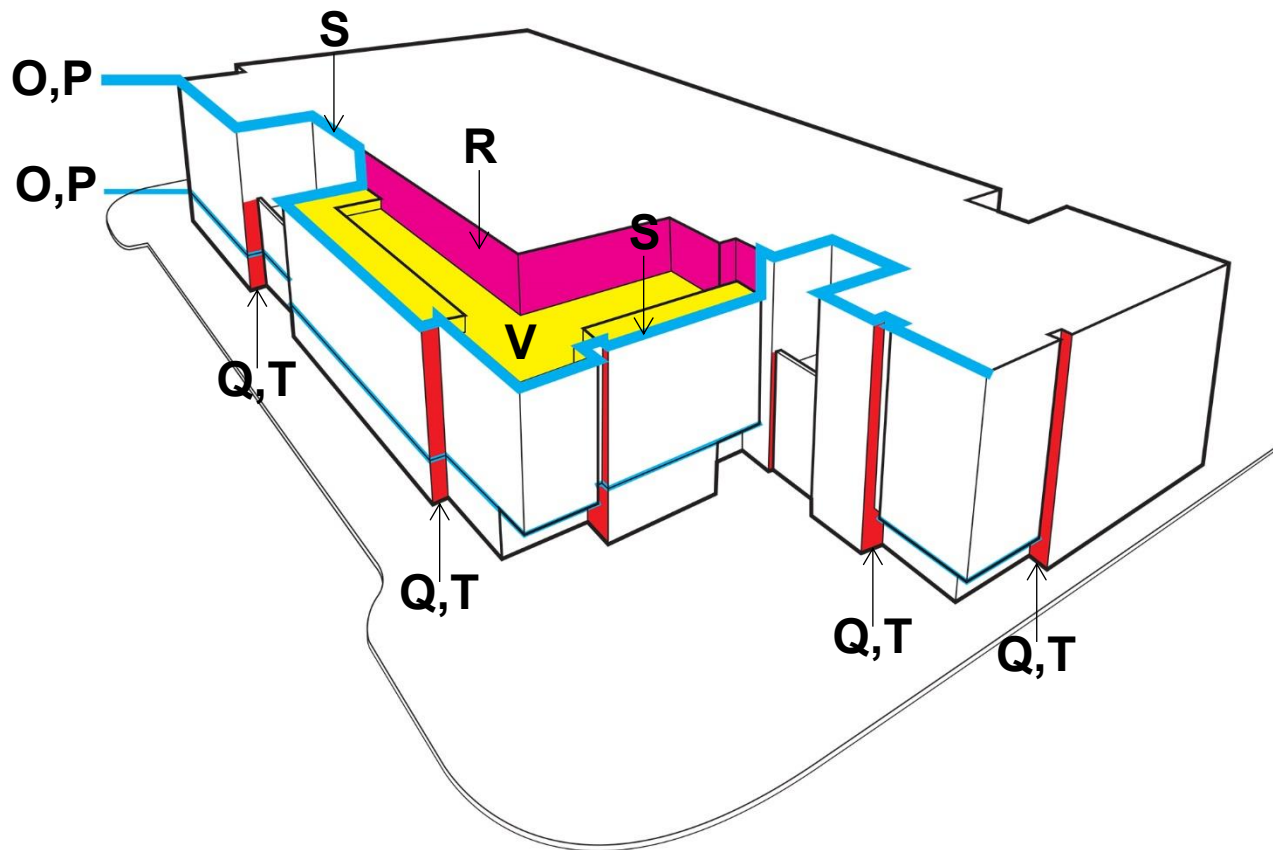
- i. Building composition should clearly define and articulate the building's different purposes, using building elements, treatments, and architectural expression to define the various pieces that make up the larger building.
  - a) Clearly differentiate the divisions between ground floor, middle floors, and roof forms (i.e. base, middle, and cap design hierarchy). **[O]**
  - b) Establish a sense of scale in the design of larger buildings through vertical and horizontal articulation and material differentiation. **[P]**
- ii. The maximum total length for any façade shall be 300 feet.
- iii. Facades longer than 70 feet shall be divided into smaller segments or "apparent faces" with variation to building setbacks, recesses, and projections above the ground floor. The apparent face is the length of a facade plane that is unbroken by vertical changes in depth. Limiting this length reduces the perceived bulk of a long building facade.
  - a) Buildings with facades over 70 feet wide must incorporate wall projections or recesses, or changes in wall plane for 2 feet minimum depth, at least every 70 feet. **[Q]**
  - b) Vary the skyline of the façade by at least one story not including towers, and/or include upper floor setbacks. **[R]**
    - 1) A minimum of 30% of the length of the skyline shall be varied by at least one (1) story.

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- iv. Flat roofs and hidden pitched roofs require a parapet on all facades facing Public Streets and Primary Internal Circulation Streets.
- v. The roofline of a building shall not run in a continuous plane for more than 70 feet without changes in elevation. The roofline must be broken up by providing articulations in the facade of the building; changes in the height of the roof; architectural features such as corner towers, turrets, rooftop pergolas, rooftop loggias, etc.; and/or changes in color, material, forms, etc., subject to the following conditions: **[S]**
  - a) Up to 30% of the roofline may extend up to 12 feet above the maximum building height, as specified in **Section 405.095.C.3.f**.
  - b) Rooftop pergolas, rooftop loggias, rooftop penthouses, and other architectural features may extend up to 12 feet above the maximum building height, as specified in **Section 405.095.C.3.f**, subject to the following conditions:
    - 1) The architectural feature(s) shall be set back a minimum of 20 feet from the roof edge; and
    - 2) The architectural feature(s) shall comprise not more than 40% of the total roof area.
- vi. Design the building to reduce real and perceived building mass including using the methods of mass variation and façade articulation. Ideally combine both methods in building design.
- vii. Mass variation methods reduce actual building mass and scale while meeting the development standards for building height. This method modulates a building floor or wall in a manner that creates a physical relief horizontally or vertically in the building mass and architectural form.
- viii. Façade articulation methods reduce perceived building mass by providing human scale components and expressing horizontal and vertical scale. These methods include accent lines, color and material changes, and minor wall offsets. **[T]**
  - a) Utilize minor wall offsets of up to two (2) feet.
- ix. Upper Floors should be distinguished from the building base. Use varied geometry in upper floors and modulate and articulate façade to reduce perceived building bulk. **[U]**
  - a) Step-back upper floors to reduce visual impact at the pedestrian scale, also permitting balconies in the step-back.
- x. Nearly vertical roofs (A-frames) and piecemeal mansard roofs (used on a portion of the building perimeter only) are prohibited.



FIGURE 5: Building Articulation



**b. Block Corner Articulation**

- i. Provide signature design elements at district gateways and on prominent corners or intersections as landmarks.
- ii. Establish block corners with architectural articulation that relates to street activating uses.
- iii. The full height of tall buildings may be expressed at corners-to provide variation and increased verticality on buildings with tower step-backs or buildings may be chamfered or set-back in plan to create additional sidewalk space or outdoor program space.

**c. Building Base Articulation**

- i. Vary base height up to the maximum height and/or between the retail use and upper floors.
- ii. Encourage two story retail spaces. This variation should respond to the street character and typical widths, heights, and modulation of existing buildings to create a contextually sensitive and human scaled out-door room.
- iii. Design the base of the building to be sufficiently flexible to accommodate a variety of store design options for future retail tenants to use in expressing their brand identities.

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- a) A variety of storefront widths, depths, heights & transparency treatments should be possible so that the needs of different retail tenants can be met.
  - b) Use the architectural framework to create a rhythm of glazing, entrances, and display areas.
- iv. Utilize variations such as slight projections, setbacks, and canopies between different storefronts. Users should be able to easily identify the number of retailers in a building from a distance.
  - v. Utilize horizontal architectural details such as cornices, continuous balconies, frames, projections, and step-backs to differentiate the retail floor(s) from upper floors.
  - vi. Utilize plane changes that create significant vertical and horizontal breaks, and shadow lines on the facade. Architectural projections as small as 12 inches can be effective.
  - vii. Avoid overly long, continuous forms of weather protection along the full building façade. This diminishes the visibility of individual storefronts.
  - viii. Consider variation in building materials or color to add texture to lower floors most visible to those at pedestrian level.

## 2. Architectural Elements and Features

### ***a. Ground Floor Windows and Doors:***

- i. A minimum of 75% of the total area of ground floor façades facing a Public Street or Primary Internal Circulation Street shall be made of glass or other transparent materials with a minimum 60% transmittance factor and a reflectance factor not greater than 0.25, or otherwise designed to allow pedestrians to view activities inside the buildings.
- ii. In order to support an active street level appropriate to a business district, a minimum of one (1) entrance door shall be provided at a minimum interval of 30 feet for the entire length of all ground floor façades facing a Public Street or Primary Internal Circulation Street.

### ***b. Upper Floor Windows and Doors:***

- i. Upper floors should incorporate traditional vertically proportioned window and door openings with less window glazing and transparency than the lower floors.
- ii. Windows shall be provided on all building facades in a manner and proportion that positively contributes to the overall architectural style and design of the building.
- iii. All-glass facades are prohibited; maximum allowable glazing on any single façade shall be 50% of the total façade area.

### ***c. Balconies:***

Balconies are encouraged on street facades, but not required. A maximum of 40% of the total façade area may be covered with balconies. False balconies are prohibited, and balcony support structures must be integrated with building façade.

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### ***d. Building Signage:***

Building signage shall be an integral part of the overall building design. Signs shall not obscure important architectural details. Principal sign types appropriate for the district include:

- i. Wall signs. positioned within architectural features and aligned with others on a block to maintain established patterns;
- ii. Projecting signs. positioned along the first-floor level of the façade may take on their own special shape or create their own symbol within the overall façade design; and
- iii. Awning signs. positioned to emphasize special shapes or details of the façade, to draw attention to shop entrances or to emphasize a display window. Internally lit signs are discouraged. Where there is sufficient ambient light avoid signage lighting. Illuminated wayfinding signage is appropriate (i.e., structured parking entrances).

### ***e. Building Equipment:***

Building equipment shall be located to minimize visual impact. Mechanical equipment should be located within the building when possible. Rooftop equipment should be incorporated into roof design and set back from frontage façade to limit visibility. All building equipment shall be screened from any public vista view. Mechanical appurtenances shall not be located on primary facades.

### ***f. Screening:***

Screens and screening should be used to hide from public view elements that negatively impact and detract from the design of a building. Screening form, material, and color shall be consistent with the building design, colors, and materials. Screening should not increase the height of the building, and the height of any screen shall be the minimum required to adequately conceal its intended element.

### ***g. Night Lighting:***

Night lighting on the exterior of the building shall be designed for architectural, aesthetic, or decorative purposes. Low lighting levels should be used to create pleasing pedestrian spaces (i.e., string lighting over an outdoor dining area). Ambient light should come from streetlights, building façade lighting, and storefronts. Security lighting should be designed for safety, as well as night-time appearance.

## **3. Building Materials**

### ***a. Building Materials – General Requirements:***

- i. High quality materials. High-quality, well-tested, durable, weather-resistant, exterior grade, and preferably natural materials shall encompass the majority of finished surfaces. High quality materials weather well, have a low failure rate, require less maintenance, and yield long lifecycle buildings with a sense of permanence that contributes to Frontenac's high-quality environment.
- ii. Masonry. The overall character of the "BD" Business District is defined by masonry construction. Buildings shall be predominantly masonry construction, according to the following requirements:
  - a) At least 50% of the total façade area shall be either brick or stone masonry.

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- b) Where brick masonry is chosen, stone masonry shall only be used as:
  - 1) A water table at the base of the building;
  - 2) Coining at building corners;
  - 3) Pilasters defining vertical facade divisions; and
  - 4) Lintels to span openings up to four (4) feet wide.
- c) The quality of masonry must be consistent on all facades.

### ***b. Number of Materials and Material Changes:***

- i. Limit the number of façade materials to promote simpler, clearly articulated facades. Encourage a high level of detail from smaller-scale, less monolithic materials to relate facades to pedestrians, especially at the ground level.
- ii. Material changes should occur at inside corners or be delineated by a specific transitional detail such as a belt course, cap, or reveal.

### ***c. Prohibited Materials:***

The following materials are prohibited from use on any buildings within the “BD” Business District:

- i. Panelized fiber cement board cladding
- ii. Mirrored glass with a reflectivity index greater than 30%
- iii. Colored glass
- iv. Mirrored architectural metal panelized cladding
- v. Mirrored architectural metal trim
- vi. Exterior insulated façade systems (EIFS) or other panelized stucco systems
- vii. Utility concrete masonry units (CMU)
- viii. Precast concrete panelized cladding
- ix. Glass block
- x. Vinyl siding
- xi. Vinyl trim

***E. Permitted Uses.*** Approval of permitted uses within a “BD” Business District zoning classification is subject to the considerations stated in the intent and purpose of the “BD” Business District regulations. The listing of permitted uses within the “BD” Business District zoning sub-areas shall be as follows:

- 1.** Retail sales of high-quality goods and commodities, including, but not limited to, boutiques, craft supplies, art galleries, cosmetics, furs, high-fashion clothing, coffee shops, books, toys, bakeries, home decorating, musical instruments and similar uses as approved by the Board of Aldermen.

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**2.** Commercial uses which are complementary to mixed residential/commercial developments such as small business offices (for example, insurance brokers or financial services and similar uses) and small service facilities (for example, pickup stations for cleaning, spas, small branch banks, tailors, photographers, fitness and exercise studios and similar uses), and similar uses as approved by the Board of Aldermen, However, such non-retail uses shall not occupy more than twenty-five percent (25%) of the gross leasable area of the ground floor in the development.

**3.** Sit-down, full-service restaurants (which may include catering), delicatessens, and frozen dessert shops; no drive-throughs shall be permitted.

**4.** Permitted use shall not include any hospital, health or care facility (for example any facility subject to licensure by the Missouri Department of Health and Senior Services such as a residential care facility, assisted living facility, intermediate care facility or skilled nursing facility), with the exception of medical spas providing elective services that are located as a sole-use tenant or co-located with a beauty parlor or tanning salon.

**5.** Residential condominium units above commercial uses.

### **6. Business District 1 Sub-Area Permitted Uses:**

*(Reserved)*

### **7. Business District 2 Sub-Area Permitted Uses:**

#### ***a. Ground Floor, Primary Uses:***

- i. Bakeries whose products are sold at retail on the premises.
- ii. Hotels/motels; lobbies, conference centers, banquet centers, and other publicly accessible spaces only
- iii. Restaurants, excluding drive-in or drive-through services, which may include a cocktail lounge, the manner and hours of operation of which shall be determined by the Board of Aldermen.
- iv. Parking structures / garages, above or below ground, but only when located behind storefronts or lobbies containing other Primary Uses.
- v. Sales or show rooms, excluding outdoor sales areas.
- vi. Stores or shops for the conduct of a retail business.
- vii. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of said work.

#### ***b. Ground Floor, Secondary Uses:***

May cumulatively comprise not more than 30% of total ground floor frontage.

- i. Banks and financial institutions.
- ii. Barbershops or beauty parlors or tanning salons.
- iii. Dry cleaners and pickup stations for cleaning and related work.

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- iv. Fire stair egress doors and service access doors, rooms, and lobbies.
- v. Hotels/motels; guest rooms, pools, fitness centers, businesses centers, and other non-publicly accessible spaces.
- vi. Offices.
- vii. Parking structures / garages, above or below ground; vehicular and pedestrian access points not located behind storefronts or lobbies containing other Primary Uses.
- viii. Studios, for exercise or dance.
- ix. Governmental buildings and related uses; and communications antennas, towers and accessory buildings and equipment, both public and private, located on City-owned property.

### ***c. Upper Floor(s):***

- i. Owner-occupied residential units in multi-unit, condominium configurations; minimum residential unit floor area of 1,800 square feet.
- ii. Hotels/motels.
- iii. Offices.
- iv. Governmental buildings and related uses; and communications antennas, towers and accessory buildings and equipment, both public and private, located on City-owned property.

**d.** Drive-through buildings and drive-up service or delivery windows are prohibited in Business District 2 sub-area.

## ***F. Procedures and Requirements for Development Plan Approval.***

### **1. Development Plan Approval Process – Overview.**

Approval of a “BD” Business District Development Plan shall require the following four (4) steps:

**a. Pre-Submittal Application (Mandatory).** Consisting of City staff review and non-binding opinion.

**b. Preliminary Development Plan Review (Optional).** Consisting of detailed City staff review and non-binding opinion, detailed Architectural Review Board (ARB) review and non-binding opinion, detailed Planning and Zoning Commission review and non-binding opinion, and petitioner-conducted community engagement.

**c. Draft Development Plan Application (Mandatory).** Consisting of City staff review, Architectural Review Board (ARB) review, Planning and Zoning Commission review and consideration, Board of Aldermen public hearing, and Board of Alderman consideration of a rezoning and development plan approval ordinance.

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*d. Final Development Plan Review (Mandatory).* Consisting of City staff review, Architectural Review Board (ARB) review and approval, Planning and Zoning Commission review and approval, Board or Aldermen review and approval, and recording with St. Louis County.

### 2. Pre-Submittal Application (Mandatory).

**a. Pre-Submittal Application – Overview.** A Pre-submittal Application in the form developed by the City for the “BD” Business District development shall be filed with the City Clerk. A conceptual development plan shall be prepared, and five (5) copies and a digital copy thereof shall be submitted to the City Administrator, Building Commissioner, and Zoning Administrator for staff review and comments. The purpose of this Pre-submittal Application is for the City to provide a non-binding opinion to the developer as to whether the proposed development appears to meet the intent of current zoning requirements and the Vision, Goals and Objectives outlined in the Comprehensive Plan.

The City Administrator, Building Commissioner, and Zoning Administrator shall return a review memo and review comment sheet of the City staff’s non-binding opinion to the petitioner.

### 3. Preliminary Development Plan Review (Optional)

**a. Preliminary Development Plan Review – Overview:** After the petitioner has received City staff’s comments and non-binding opinion in the form of the review memo and review comment sheet and made the appropriate revisions (if necessary), the petitioner may, at their discretion, submit a non-refundable preliminary plan review fee, as established by the City, and 24 copies of a preliminary development plan for distribution to the Architectural Review Board (ARB), Planning and Zoning Commission, City staff, and City Attorney for non-binding preliminary review by the Planning and Zoning Commission.

**b. Preliminary Development Plan – OPTIONAL Review Process.**

- i. **Staff review.** The City Administrator, Building Commissioner, and Zoning Administrator shall coordinate a review of the application by appropriate affected City departments to determine its compliance with all applicable ordinances and regulations. A written report documenting the review and staff recommendations shall be prepared by the Building Commissioner and Zoning Administrator and returned to the petitioner, outlining any conditions, requirements, deficiencies, recommendations, or other remedial actions required. City staff shall also send this report to the Architectural Review Board (ARB), Planning and Zoning Commission, and Board of Aldermen.
- ii. If the petitioner opts for a non-binding preliminary review by the Architectural Review Board (ARB), City staff shall furnish their report to the Architectural Review Board (ARB) for review at the Board’s next practicable meeting.

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- iii. If the petitioner opts for a non-binding preliminary review by the Planning and Zoning Commission, City staff shall furnish their report to the Planning and Zoning Commission for review at the Commission's next practicable meeting.
- iv. The petitioner may, at their own expense, organize and conduct a public community meeting to present the preliminary development plan to the Frontenac community. The petitioner shall notify the City of the time, date, and location of the community meeting a minimum of 15 days prior to the meeting, so that the City may, at its discretion, send a City representative to participate in the community meeting.

### ***c. Preliminary Development Plan – Required Documentation.***

- i. *Documentation and general requirements.* Adequate information shall be developed, procured and submitted by architects, engineers and surveyors duly registered in the State of Missouri and employed by the applicant to develop a preliminary development plan that **clearly illustrates and articulates the proposed long-term full-build out of the proposed redevelopment**. The preliminary development plan shall contain the following information and documents (minimum scale one (1) inch = 50 feet):
  - a) *Existing Conditions Survey:* An out-boundary plat for the full Business District being considered, inclusive of the following:
    - 1) All properties within the district shall be identified by lot lines and location, including dimensions, angles and size, correlated with the legal description of said property. The site plan shall be designed and prepared by a registered Missouri professional engineer or land surveyor. It shall also include the name and address of the property owner(s), developer(s) and designer(s).
    - 2) It shall show the scale, north point, boundary dimensions, topography at one foot intervals, natural features such as wooded areas, streams, rivers, lakes, drains, existing man-made features such as buildings, structures, easements, high-tension towers, pipe lines, existing utilities such as water, stormwater and sewer lines, etc., excavations, bridges, culverts and drains and shall identify adjacent properties within two hundred and fifty (250) feet of the proposed property's lines and their existing uses.
    - 3) The location, size, height and setbacks of all existing structures, streets, curbs, parking, landscape, etc. (including all buildings, trash enclosures, fences, etc.) on the proposed site.
  - b) *Development Plan – Property Ownership:* An out-boundary plat for the full Business District being considered, inclusive of the following:
    - 1) All existing properties within the Business District shall be identified by lot lines and location.
    - 2) All properties that are included within the proposed development inclusive of the ownership status or redevelopment agreement conditions.



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- c) *Illustrative Site and Landscape Plan of the Proposed Development:* An illustrative Site and Landscape Plan of the Proposed Development for the full Business District being considered, inclusive of the following:
- 1) The location, size, height and setbacks of all proposed structures (including all buildings, trash enclosures, fences, etc.) on the site;
  - 2) The location and general design (width and materials) of all driveways, curb cuts and sidewalks, including connections to building entrances; as well as the location and nature of construction of all curbs and guttering;
  - 3) The location, area and number of proposed parking spaces;
  - 4) Existing and proposed grades at an interval of two (2) feet or less extended beyond the project site to include adjacent properties and structures;
  - 5) The location and general type of all existing trees over six-inch caliper and, in addition, an indication of those to be retained;
  - 6) The proposed general use and development of internal spaces, including all recreational and open space areas, plazas and major landscaped areas, and the general location and description of all proposed outdoor furniture (seating, lighting, telephones, etc.);
  - 7) The location and approximate size of all proposed plant material by type, such as hardwood/deciduous trees, evergreen trees, flowering trees, shrub masses, and types of ground cover (grass, ivies, etc.). Planting in parking areas shall be included;
  - 8) All green areas, except wooded areas, including parking lot landscaping for commercial uses, villas and townhomes shall be irrigated;
  - 9) The location of all retaining walls, fences (including privacy fences, etc.) and earth berms;
  - 10) The definition and location of all refuse collection facilities, including screening, to be provided; and
  - 11) Provisions for both on-site and off-site stormwater drainage and detention related to the proposed development.
- d) *Development Plan – Demolition and Infrastructure Improvement:* An out-boundary plat for the full Business District being considered, inclusive of the following:
- 1) All buildings being demolished within the Business District shall be identified.
  - 2) All infrastructure being relocated, rebuilt, improved and/or modified vs. that which remains.
- e) *Development Plan – Access, Circulation and Parking:* An out-boundary plat for the full Business District being considered, inclusive of the following:
- 1) All internal streets, parking and service access;
  - 2) All key intersections with surrounding public streets; and
  - 3) All pedestrian and bike pathways and amenities.

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- f) *Proposed Development – Summary Report*: An illustrative report describing the Proposed Development for the full Business District being considered, inclusive of the following:
- 1) Full-build-out development program inclusive of building use, size, and features;
  - 2) Phasing plan;
  - 3) Order of magnitude costs and funding strategy; and
  - 4) At least three (3) aerial images clearly showing the character of the proposed development in the context of the Business District; and
  - 5) Assessment of project and description of any zoning variances required, public financing requests, and/or infrastructure improvement approvals needed.

### 4. Draft Development Plan Application (Mandatory)

**a. Draft Development Plan Application – Overview.** An application using the form developed by the City for the proposed “BD” Business District development shall be filed with the City Clerk with the non-refundable rezoning application fee, as established by the City, and with the fee(s) for required City-contracted circulation, access, and parking studies and traffic studies. A draft development plan shall be prepared, and five (5) copies and a digital copy thereof shall be submitted to the City Administrator, Building Commissioner, and Zoning Administrator for staff review and comments. After the petitioner has received staff comments and made the appropriate revisions (if necessary) the petitioner shall then submit 24 copies of the draft plans for distribution to the Architectural Review Board (ARB), Planning and Zoning Commission, City staff, and City Attorney.

**b. Draft Development Plan – Review Process and Approval:**

- i. An application together with a complete draft development plan, including information as required in this Section, shall be considered at the next practicable, regularly scheduled meetings of the Architectural Review Board (ARB) and Planning and Zoning Commission meeting but not sooner than sixty (60) days from the filing of the completed application. Notices of the Planning and Zoning Commission meeting shall be provided in accordance with **Section 405.220** of this Code of Ordinances.
- ii. *Staff review.* The Building Commissioner and Zoning Administrator shall coordinate a review of the application by appropriate affected City departments to determine its compliance with all applicable ordinances and regulations. This review shall include the independent access, circulation, and parking study as required in **Section 405.095.C.j.vi**. A written report documenting the review and staff recommendations shall be prepared by the Building Commissioner and Zoning Administrator not more than forty-five (45) days from the filing of the completed application. This report shall be provided to the petitioner in order to permit the petitioner to develop and submit a revised application addressing the contents of the report. After the petitioner has submitted the revised application, the revised application and staff report shall be submitted to the Architectural Review Board (ARB) and Planning and Zoning Commission at the meeting at which it first considers the application.

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- iii. *Architectural Review Board Review.* The draft development plan and staff report shall be submitted to the Architectural Review Board (ARB) for review of the proposed building design, public space design, and site landscaping. The Architectural Review shall make a recommendation to the Board of Aldermen to approve, approve with conditions, or deny the draft development plan. The findings and recommendation of the ARB shall be forwarded to the Board of Aldermen. If the ARB's recommendation is for approval, its report shall contain the conditions or restrictions recommended by the ARB with respect to the draft development plan. The petitioner shall be permitted to revise the draft development plan pursuant to Architectural Review Board (ARB) recommendation prior to it being forwarded to the Board of Aldermen.
- iv. *Planning and Zoning Commission.* The draft development plan, application, and staff report shall be submitted to the Planning and Zoning Commission. After consideration of the draft development plan, application, and staff report, the Planning and Zoning Commission shall make a report to the Board of Aldermen regarding the impact of such proposed plan upon the character of the neighborhood, traffic conditions, public utility facilities, public safety services, and other matters pertaining to the general public health, safety and welfare of the City, with a recommendation to the Board of Alderman to approve, approve with conditions, or deny the draft development plan. The findings and recommendation of the Planning and Zoning Commission shall be forwarded to the Board of Aldermen. If the Commission's recommendation is for approval with conditions, the Commission's report shall include said conditions or restrictions recommended with respect to the draft development plan. The petitioner shall be permitted to revise the draft development plan pursuant to Planning and Zoning Commission recommendation prior to it being forwarded to the Board of Aldermen.
- v. *Board of Aldermen.* The Board of Aldermen shall hold a public hearing thereon upon at least fifteen (15) days' public notice. Following the public hearing, the Board of Aldermen may either approve, approve with conditions, or deny the draft development plan. If the draft development plan is approved by the Board of Aldermen, it shall adopt an ordinance preliminarily approving said draft development plan with conditions as specified therein. Conditions may include, but not be limited to, parking restrictions, setback and height requirements, landscaping and green space requirements, lighting requirements, permitted uses, signage, screening and buffering, and special features.

**c. Draft Development Plan – Required Documentation.** Adequate information shall be developed, procured and submitted by architects, engineers and surveyors duly registered in the State of Missouri and employed by the applicant to develop a draft development plan that **clearly illustrates and articulates the proposed long-term full-build out of the development.** The draft plan documentation shall contain the following information and shall be submitted (minimum scale one (1) inch = 50 feet):

- i. Revised versions of all drawings and reports specified as part of the preliminary development plan required documentation in **Section 405.095.F.3.c.**;
- ii. A site plan with accurate existing and proposed contours at intervals of two (2) feet, showing the location and size of any existing structures and the disposition to be made thereof, the location and size of all proposed buildings and the general use to be made thereof, and the location of

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- areas to be developed for parking with specific numbering of spaces, drives, walkways, recreation, landscaping or other uses;
- iii. A general grading plan, in the form of a survey prepared by a professional land surveyor, showing the proposed grades and finished floor elevations of all structures to be located on the site and indicating all natural features of the site. Said grading plan shall not be inconsistent with either the surrounding ground, existing developments, roads or major highways and shall provide for the drainage of parking lots and for total stormwater facilities compatible with the surrounding area. The location of any existing major growth that is to be retained shall also be indicated on the plan;
  - iv. A landscape plan with the specific location of all plant material, specifying size, species, and location (including any landscaped buffer area around the perimeter);
  - v. Plans showing the location of all roads, entrances, underground utilities, walkways, special features and parks or recreational facilities that may exist;
  - vi. Nature of use, such as commercial uses, mixed uses, etc.;
  - vii. A demolition plan, by project phase (if applicable) showing all existing buildings to be removed and the extents of any existing sitework, trees, and other landscaping to be removed;
  - viii. All structures, present and future, specifying location, size, elevation, and design, none of which may deviate substantially from the approved draft development plan and comply with specific Business District development ordinance;
  - ix. Sidewalks;
  - x. Parking facilities for visitors and employees;
  - xi. Parking spaces, including underground parking, traffic lanes, ingress, and egress facilities;
  - xii. Method of disposal of trash and garbage;
  - xiii. Plan for the provision of water, sanitary and stormwater drainage facilities;
  - xiv. All easements and dedications;
  - xv. Any signs, location, and size; for example, freestanding signs, sign bands, canopy signs;
  - xvi. Details of lighting of parking lots and outside of buildings, including location, type, and intensity;
  - xvii. A proposed construction schedule for completion of the entire project;
  - xviii. A proposal regarding the method of operating and maintaining the project;
  - xix. Homeowner Association (HOA) rules, Condominium Association rules, and/or indentures for residential properties, and any subsequent amendments, to demonstrate compliance with land use requirements in **Section 405.095.E. Permitted Uses**;
  - xx. Commercial operating and/or management agreements for commercial properties and any subsequent amendments, including intended mix of commercial occupancies by use type, to demonstrate compliance with land use requirements in **Section 405.095.E. Permitted Uses**;
  - xxi. All necessary legal agreements between two (2) or more individual property owners, to include but not necessarily limited to development agreements, access easements, rights-of-way, and deed restrictions, to demonstrate compliance with site development requirements in **Section 405.095.C.3. Business District 2 Sub-Area: Site Development Requirements**;
  - xxii. A statement regarding the provisions of adequate security for parking areas and publicly-accessible outdoor areas;

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- xxiii. A plan for all buildings providing for the use of underground utilities, off-street loading and receiving facilities; and service areas designed to maintain tenant refuse;
- xxiv. A plan of the proposed road and traffic improvements as specified by agencies of government, together with the agreement of the owner to maintain the unpaved portion of road rights-of-way with the appropriate agency in control thereof;
- xxv. A statement containing provisions for the maintenance of roads, drives, walks, landscaping, trees, and fences; and
- xxvi. All other information which the Architectural Review Board, the Planning and Zoning Commission, and/or the Board of Aldermen may designate.

### 5. Final Development Plan Review (Mandatory)

#### ***a. Final Development Plan - Required Documentation.***

Within nine (9) months following passage of an ordinance rezoning the site and approving the draft development plan, the petitioner shall submit a final development plan to the Planning and Zoning Commission for its review and consideration to determine if the final development plan is in conformance with the approved draft development plan and with the imposed conditions of the approval ordinance for the proposed development. The final development plan shall reflect the entire development if it is to be completed in one (1) phase or a minimum of the first phase of the development if it consists of more than one (1) phase. The final development plan shall include the same documentation required for the Draft Development Plan, as specified in **Section 405.095.F.4.c.**

#### ***b. Final Development Plan – Review Process:***

- i. An application together with a complete final development plan shall be considered at the next available Planning and Zoning Commission meeting.
- ii. *Staff review.* During the time between the filing of a complete final development plan with the Building Commissioner and Zoning Administrator and the next regularly scheduled Planning and Zoning Commission meeting, the Building Commissioner and Zoning Administrator shall review the final development plan for compliance and report to the Commission the findings of his/her review. The Building Commissioner and Zoning Administrator shall establish the dollar amount of any bond required by the City to assure completion of the improvements.
- iii. *Architectural Review Board Review.* The final development plan and staff report shall be submitted to the Architectural Review Board (ARB) for the review of the proposed building design, public space design, and site landscaping for compliance. The Architectural Review Board (ARB) shall make a recommendation to the Board of Aldermen to approve, approve with conditions, or deny the final development plan. The findings and recommendation of the ARB shall be forwarded to the Board of Aldermen. If the ARB's recommendation is for approval, its report shall contain the conditions or restrictions recommended by the ARB with respect to the final development plan.
- iv. *Planning and Zoning Commission:* The final development plan and staff report shall be submitted to the Planning and Zoning Commission for review to ensure that the final development plan

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generally conforms to the approved draft development plan. The Planning and Zoning Commission shall make a recommendation to the Board of Aldermen to approve, approve with conditions, or deny the final development plan. The findings and recommendation of the Planning and Zoning Commission shall be forwarded to the Board of Aldermen. If the Planning and Zoning Commission's recommendation is for approval, its report shall contain the conditions or restrictions recommended by the Planning and Zoning Commission with respect to the final development plan.

- v. The final development plan, along with the Staff report and recommendations of the ARB and the Planning and Zoning Commission, shall be forwarded to the Board of Aldermen for its review. After consideration of the application, staff report, and ARB and Planning and Zoning Commission recommendations, the Board of Aldermen shall approve, approve with conditions, or deny the final development plan. The final development plan shall generally conform to the approved draft development plan. If the final development plan does not generally conform to the approved draft development plan, or if the conditions of the approval ordinance are not adequately met, the final development plan shall not be approved.
- vi. Following approval of the final development plan by the Board or Aldermen, a Mylar (recordable document meeting St. Louis County requirements for recording) shall be submitted to the Building Commissioner and Zoning Administrator for review and signature confirming that the plan is the plan that was approved by the Planning and Zoning Commissioner. The signed plan shall be recorded, at the applicant's expense, with the St. Louis County Recorder of Deeds. Two (2) copies of the recorded plan shall be submitted to the Building Commissioner and Zoning Administrator for permanent record with the City. Any bonds or letter of credit required to ensure completion of required improvements or open space shall be completed and in place prior to recording of the final development plan.

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***G. Amendments or changes to an approved development plan.*** Should an applicant with ownership or contractual interest in any property within an area subject to an approved draft and/or final development plan find that any amendments or changes are necessary to the previously approved development plan, an application shall be submitted along with necessary documentation (i.e., amended draft development plan or amended final development plan) to the Building Commissioner and Zoning Administrator who shall institute an administrative review by all affected City departments of the proposed amendments or changes. The results of this review shall be compiled by the Building Commissioner and Zoning Administrator and shall be reported to the Planning and Zoning Commission for its consideration at the next available meeting. Upon receiving the application for proposed amendments or changes to the development plan and associated documents from the Building Commissioner and Zoning Administrator, the Planning and Zoning Commission shall complete its review of the application, either denying, approving or approving with conditions. The application, supplemental documents and the Planning and Zoning Commission's action and reasoning shall be forwarded to the Board of Aldermen as an informational item where it shall be the Board's option either to require a further review of the proposed amendments or changes to the development plan required by the Board of Aldermen or concur with the Planning and Zoning Commission by taking no further action.

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***H. Period of Validity.*** The period of validity of approval of a final development plan is as follows:

1. Approval of a final development plan shall be valid for a period no longer than twelve (12) months from the date of approval unless within such period a building permit has been obtained and construction is commenced.
2. The Board of Aldermen may grant extensions not exceeding six (6) months each upon written request of the original applicant if the application submitted is substantially the same as the initially approved application. However, the Board of Aldermen has the power in such cases to attach new conditions to approval. At such time as the period of validity of an approved final development plan lapses, the final development plan and all uses, terms and conditions thereof shall be considered null and void. No further development of the site shall be permitted except by application in accordance with the procedural requirements of this Section, whereby it shall be considered an entirely new application.
3. Should a request for extension of an approved final development plan contain substantial changes, as determined by the Board of Aldermen, the Board shall require the applicant to refile his/her application subject to the requirements of this Section as if it were an entirely new application.