

## ARTICLE VII. R-4 PLANNED MULTIPLE DWELLING DISTRICT REGULATIONS

### Section 1. [Generally.]

The regulations set forth in this article are the regulations in the R-4 planned multiple dwelling district and are established to provide an opportunity for modern and imaginative architectural design, site arrangement, and city planning for certain areas within the City of Ballwin suitable for multifamily development, other provisions of this zoning ordinance to the contrary notwithstanding. These areas shall be established by the board of aldermen by ordinance and approval of a preliminary site plan after a report and recommendation is received from the zoning commission in accordance with article XXIII, Amendments.

(Ord. No. 969, 7-10-72)

### Section 2. Application for planned multiple dwelling district.

The owner or owners of any tract of land comprising an area of not less than two acres may petition the board of aldermen for the establishment of the planned multiple dwelling district. The application shall include the following:

- (1) Legal and general description of the area to be encompassed in said district;
- (2) Evidence of unified ownership or control of the area applied for;
- (3) Statement of petitioner's experience and background in real estate development and residential or commercial construction;
- (4) The city's standard petition form with all information completed and filled in; and
- (5) Preliminary site plan, showing the legal out-boundary property dimensions and bearings, existing and proposed topography, all proposed buildings, drainage facilities, paving, parking, existing proposed right-of-way dedications, streets, landscaping and open areas to remain undeveloped, the proposed use of all buildings and land areas within the project and the type and number of living units proposed. The plan shall list the estimated percentage of total land area used for:
  - (a) Buildings;
  - (b) Streets, drives and parking;
  - (c) Recreation and open space.
- (6) Before any action shall be taken as provided in this article, the party or parties petitioning for an R-4 site plan petition shall pay a fee of \$500.00. Under no circumstances or condition shall the fee or any portion be refunded for failure of said change to be adopted by the board of aldermen.

(Ord. No. 969, 7-10-72; Ord. No. 2668, § 1, 2-23-98)

### Section 3. Establishment of R-4 planned multiple dwelling district.

Upon establishment of the planned multiple dwelling district by the board of aldermen, the petitioner shall record a copy of the ordinance and a linen or mylar copy of the approved preliminary site plan which has been certified and signed by the mayor with the St. Louis County recorder of deeds. Three copies of the recorded plan shall be submitted to the city clerk.

(Ord. No. 969, 7-10-72)

#### **Section 4. Use regulations.**

A building or premises shall be used only for the following purposes:

- (1) Single-family dwellings.
- (2) Multiple-family dwellings, row houses, and other group house arrangements of attached or detached buildings.
- (3) Golf courses, except miniature courses and driving tees.
- (4) Public and private not-for-profit libraries, parks, parkways, playgrounds and swimming pools.
- (5) The following commercial uses when located within a multiple-family structure, provided these occupy not more than five percent of the floor area of the structure, or if provided in a separate structure or structures of a multistructure development, the floor area occupied by such commercial uses shall not exceed five percent of the total floor area of the multiple-family structures within the development; and provided further that no displays are visible from the outside of the structure:
  - (a) Foodstore or drugstore;
  - (b) Barber or beauty shop;
  - (c) Self-service laundry facility;
  - (d) Restaurant, by special use permit;
  - (e) Cigar or newspaper stand.

(Ord. No. 969, 7-10-72)

#### **Section 5. Height regulations.**

No building shall exceed 35 feet in height nor contain more than two stories, except, however, when the tract to be developed, as set out in the preliminary site plan, abuts land which is not a right-of-way for an existing public street, in which case no building may be erected along the ten-foot perimeter, described in the area regulations, which exceeds 12 feet in height. A building may be erected one additional foot in height over 12 feet for each foot by which the building is set back from the ten-foot perimeter, subject, however, to the overall 35-foot height limitation.

(Ord. No. 969, 7-10-72; Ord. No. 1597, § I, 8-23-82)

#### **Section 6. Area regulations.**

- (1) No building shall be erected nearer than ten feet to the perimeter of the entire tract, as set out in the preliminary site plan; except, however, that no building shall be erected nearer than 60 feet to the right-of-way boundary of any public street nor closer than 60 feet to an existing single-family use or zoning requirement. Building setbacks from internal streets shall be a minimum of 20 feet.
- (2) For the purpose of interpreting and enforcing the yard requirements of this article, the entire area included within the R-4 planned multiple dwelling district shall be considered as a single lot; more than one building or structure may be erected thereon, and the only front, rear and side yards that need to be observed are those provided for in subsection (1) of section 6.

(Ord. No. 969, 7-10-72; Ord. No. 1597, § I, 8-23-82; Ord. No. 2433, § 1, 3-27-95)

### **Section 7. Intensity of use.**

The tract of land approved by the board of aldermen as planned multiple dwelling district shall contain not less than 2,000 square feet of area for each dwelling unit. The petitioner may request approval of a plan which includes fewer units than the maximum number that would be allowed, and the board of aldermen may limit the number of units to less than the maximum number of units that would be allowed by the 2,000-square-foot requirement.

In any case, no single building in the development shall have more than six individual units, and the average [number] of units for the development shall be no more than five units per building. No single unit in any building in the development shall be smaller than 900 square feet, and all units in a single building shall average a minimum of 1,200 square feet of usable living area, exclusive of basement storage areas. The use intensity described above shall be applied both on a per building basis and a per site plan or development basis.

(Ord. No. 969, 7-10-72; Ord. No. 1597, § I, 8-23-82)

### **Section 8. Parking regulations.**

Off-street parking shall be provided at the rate of two attached, enclosed garages per unit with space in the driveway for two additional vehicles.

(Ord. No. 969, 7-10-72; Ord. No. 1597, § I, 8-23-82)

### **Section 9. Open space and recreational land.**

Not less than 40 percent of the area of a planned multiple dwelling district shall be open area. Natural features such as trees, brooks, hilltops and views shall be preserved wherever possible. The applicant shall designate or show at the time of filing of the final plat what trees and other natural features are to be retained. Artificial and natural lakes and wooded areas are to be preserved and encouraged as much as possible.

The city also shall require the payment of a fee allocable for recreation in the city. The amount of such fee shall be determined in accordance with the provisions of section 25-124 of this Code. Such fee shall be paid prior to the issuance of any grading, development or building permit.

(Ord. No. 05-45, § 1, 10-24-05)

**Editor's note:** Ord. No. 05-45, § 1, adopted Oct. 24, 2005, deleted the former § 9, and enacted a new § 9 as set out herein. The former § 9 pertained to recreational areas, and derived from Ord. No. 969, adopted July 10, 1972; Ord. No. 1597, § I, adopted Aug. 23, 1982; Ord. No. 03-60, § 1, adopted Oct. 27, 2003.

### **Section 10. Final development plan.**

The final development plan submitted for approval by the applicant shall contain the following:

- (1) A drawing to scale, with contour lines at intervals not exceeding five feet, which shall show the following:
  - (a) The location, use and heights of all buildings and structures on the tract.
  - (b) The location of recreational, wooded areas, streets, parking areas, and proposed landscape areas.

- (c) The egress facilities for all automobile traffic entering or exiting the development.
- (d) The legal property lines, distances and bearings.
- (e) All utilities, sewers, easements, drainage facilities, and site improvements.
- (f) Legal script for recording as directed by the board of aldermen.

Four prints and the original mylar or linen final development plan shall be submitted. Upon approval by the board of aldermen, the original shall be signed and returned to the petitioner for recording. After recording, the petitioner shall furnish three certified copies of the recorded plan to the city clerk.

(Ord. No. 999, 7-10-72)

### **Section 11. Approval of final development plans.**

(1) The final development plans contemplated by this article may be either the final development plans for the entire project or may consist of the final development plan of any particular phase, portion or section of the project.

(2) Upon establishment of the planned multiple dwelling district by the board of aldermen, the petition shall be referred back to the zoning commission for consideration of the filed development plan, which shall be submitted to the zoning commission by the applicant within 180 days after the establishment of the planned multiple dwelling district by the board of aldermen. If no final development plan is submitted within said 180 days by the applicant, the board of aldermen may proceed to rezone the property to the zoning district classification that prevailed prior to the approval of the planned multiple dwelling district. The zoning commission shall recommend the approval or disapproval of the final development plan to the board of aldermen and shall refer such plan back to the board of aldermen for approval or disapproval.

(3) The board of aldermen may not approve a final development plan that differs substantially from the recorded preliminary site plan.

(4) No building permit shall be issued by the building commissioner for any structure in the project or any phase thereof that does not conform to the approved and recorded final development plan. During the course of construction, no changes shall be made in the final development plan unless approved by the board of aldermen.

(5) If substantial work or construction is not started within one year of the date of the approval of a final development plan by the board of aldermen, no further building permits for the project shall be issued; and the board of aldermen may move to rezone the property or any portion thereof to the zoning district classification that prevailed prior to the approval of the planned multiple dwelling district.

(6) The reissuance of building permits may be authorized and the time limitations specified in this section may be extended by the board of aldermen for reason.

(7) If the project is developed in phases, each phase shall contain land area in proportion to the percentage of total authorized living units included in that phase. For example, if 25 percent of the total authorized living units are included in a phase, or in an accumulation of phases at any time, then at least 25 percent of the total project area must be included in that phase or in all of the phases included up to that time. The tract or tracts included in a particular phase need not be continuous.

(8) The board of aldermen shall refer each proposed final development plan for each phase to the planning and zoning commission and the city engineer for recommendation of approval or disapproval.

(Ord. No. 969, 7-10-72; Ord. No. 981, 8-14-72)

### **Section 12. Assurance of site improvements.**

Upon approval of a final development plan by the board of aldermen and before any building permit shall issue for the erection of buildings under that plan, the applicant shall file a bond with a corporate surety in a sum equal to the estimated cost of all site improvements, such as area lighting, recreation facilities, streets, sewers, walks, parking areas, and retaining walls, if any, for that phase of the project which has been approved. The bond shall be payable to the city and conditioned upon the completion of all such site improvements. In lieu of a surety bond, the applicant may place in escrow assets of a total value to ensure the completion of site improvements and shall file with the city an escrow agreement, previously approved as to form by the city. The purpose of a bond or escrow arrangement required by this subsection [sic] is to assure that each such phase, as approved by the board of aldermen, be a suitable development in the event the balance of the project or the next phase be not undertaken or completed for any reason.

(Ord. No. 969, 7-10-72)

**Cross references:** Parking, stopping and standing, § 15-256 et seq.; sewers and sewage disposal, ch. 21; streets and sidewalks, ch. 24.

### **Section 13. Amendment of recorded preliminary site plan.**

The owner or owners of any tract or project for which a planned multiple dwelling district preliminary site plan has been recorded and who desire to change the development plan and to depart from the recorded preliminary site plan, may petition for an "amended preliminary site plan in a planned multiple dwelling district" in accordance with section 2 of this article and article XXIII. After recommendation from the planning and zoning commission and a public hearing, the board of aldermen may approve an "amended preliminary site plan" which shall be processed and recorded as described in this article for a preliminary site plan.

(Ord. No. 969, 7-10-72)

### **Section 14. Amendment of recorded final development plan.**

The owner or owners of any tract or project for which a planned multiple dwelling district final development plan has been recorded and who desire to change the development plan and depart from the recorded final development plan, may petition for an "amended final development plan in a planned multiple dwelling district" in accordance with sections 10 and 11 of this article and article XXIII. After recommendation from the planning and zoning commission and a public hearing, the board of aldermen may approve a "amended final development plan" which shall be processed and recorded as described in this article for a final development plan.

(Ord. No. 969, 7-10-72)