

**ORDINANCE NO. 2136**

**AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AMENDING ARTICLE III OF CHAPTER 405 BY ENACTING A NEW SECTION 405.215 OF THE MUNICIPAL CODE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI; AND ESTABLISHING REGULATIONS FOR THE “ND” NEW DEVELOPMENT ZONING DISTRICT**

**WHEREAS**, the Planning and Zoning Commission of the City of Dardenne Prairie, Missouri, considered and recommended and amendment to Article III of Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri; and

**WHEREAS**, after publishing notice, the Board of Aldermen and the Planning and Zoning Commission held Public Hearings on the proposed revisions; and

**WHEREAS**, at such Public Hearings all persons-in-interest and other residents were given an opportunity to be heard; and

**WHEREAS**, the Planning and Zoning Commission recommended approval of the amendment to Article III of Chapter 405 of the Municipal Code of the City of Dardenne Prairie Missouri, by enacting a New Section 405.215 and establishing the “ND” New Development Zoning District;

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:**

**SECTION 1.** That Article III of Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by enacting a new Section 405.215, to read as follows:

**Section 405.215 “ND” New Development Zoning District**

**A. Purpose.** This district is intended to replace the current “Uptown” zoning district as adopted by Ordinance No.1175, as amended, and is applicable to those properties zoned “Uptown” on the City’s Official Zoning Map as of the date of adoption of this “ND” New Development zoning district. This district further intends, by Site Plan or Area Plan approval, design standards, supplemental standards, and other procedures hereinafter set forth, to provide for retail commercial, limited light industrial (consistent with the “HTCD” High Tech Corridor District), office, business and personal service, residential, and mixed-use developments for designated areas within the City of Dardenne Prairie based on property location as stipulated herein. It is intended to work in conjunction with the existing regulations of the City’s zoning code to foster a higher quality of architecture and site design that creates a distinct character

for the area and promotes an inviting, pedestrian-friendly environment. The purposes of this district include the following:

1. To create a pedestrian-friendly and walkable environment that connects residential, recreational, and commercial uses;
2. To encourage site and building design that establishes a sense of place and establishes an image for the designated areas;
3. To encourage increased private investment;
4. To encourage an imaginative and innovative design of land development; and
5. To promote development compatible with the City's Comprehensive Plan.

**B. *Applicability.***

1. All existing and proposed developments approved prior to September 15, 2021 shall continue to be governed by the existing applicable approved Area Plan or Site Plan or such plan as may have been approved for a proposed project not completed as of that date.
2. All requirements, regulations, and standards of all other applicable regulatory codes and ordinances of the City shall be applicable including, but not limited to, the following:
  - a. Building and Construction Regulations, as set forth in Title V of this Code, as amended;
  - b. Supplementary district regulations, as set forth in Article V of Chapter 405 of this Code, as amended;;
  - c. Landscaping and screening regulations, as set forth in Article IX of Chapter 405 of this Code, as amended; and
  - d. Off-street parking, as set forth in Article XI of Chapter 405 of this Code, as amended.

**C. *Procedures.***

1. An Area Plan or Site Plan, as applicable, approved by the Board of Aldermen in accordance with Article IV or Article XIII of Chapter 405 of this Code shall be required for any new development involving:
  - a. New construction on a vacant or cleared site;

- b. Rehabilitation of existing structures that requires a building permit; or
  - c. Redevelopment or rehabilitation of a site or improvements from its most recent or current use to a use not of the same type (established by using North American Industrial Classification System (NAICS) use designations).
2. *Amendments.* Once an Area Plan or Site Plan is approved for a development, amendments to such plan shall be approved according to the following:
- a. If construction of the development has not commenced or is not yet completed, amendments to the approved Area Plan or Site Plan shall be approved according to the process established by Article IV or Article XIII of Chapter 405 of this Code, as amended, respectively.
  - b. Major amendments shall require approval using the same process as the original Area Plan or Site Plan approval. Major amendments include:
    - i. Any construction listed under Subsection (C)(1), above;
    - ii. Construction of a new or an additional building;
    - iii. Construction of additions, the floor area of which is equal or greater than twenty-five (25) percent of the floor area of the existing structure; or
    - iv. Any amendment not expressly identified as a minor amendment under Subsection (C)(1)(c) of Section 405.215 of this Code.
  - c. Minor amendments shall require approval by the City Engineer. The City Engineer shall determine whether an amendment is a major amendment or a minor amendment in accordance with Subsections (C)(2)(b) and (C)(2)(c) of this Section. The following shall be considered minor amendments unless other district requirements relating to elements such as parking, lot coverage, yard areas, setback, screening, fencing, etc., would be violated or require action by the Board of Adjustment:
    - i. Construction of site improvements such as patios, porches, pergolas, awnings, and similar features or structures;
    - ii. Construction of additions, the floor area of which measures less than twenty-five (25) percent of the floor area of the existing structure; or
    - iii. A change in type of screening or fencing that results in the same density or opacity of approved screening.



**D. Permitted and Conditional Uses.**

Uses within the ND Districts shall generally be compatible with the land uses as set forth in the matrix below and as permitted by right or condition under the corresponding zoning district regulations listed below (“Corresponding Zoning District Regulations”).

<b>"ND" New Development District Use Matrix</b>	
<b>Property Location</b>	<b>Corresponding Zoning District Regulations</b>
<b>Single-Family Residential</b> (Applicable to those properties along either the east and west sides of Post Road and the south side of Town Square Avenue in the vicinity of the intersection of these roadways and not otherwise described in this matrix)	a. "R-1B" Single-Family Residential District Section 405.150
	b. "R-1C" Single-Family Residential District Section 405.160
	c. "R-1D" Single-Family Residential District Section 405.170
<b>Commercial/Residential Alternative</b> (Applicable to the southern section of the parcel located at the intersection of Post Road and Technology Drive with frontage to both roadways)	a. Any residential district as specified in Subsection (D)(1) above
	b. "C-1" Local Commercial District Section 405.180
	c. "C-2" General Commercial District Section 405.190
<b>Commercial</b> (Applicable to the properties on the north side of Town Square Avenue immediately east of the shopping center and all properties fronting Technology Drive/I-64 north of Post Road)	a. "C-2" General Commercial District Section 405.190
	b. "C-3" Retail Commercial District Section 405.210
	c. "HTCD" High Tech Corridor District Section 405.195
<b>Public, Institutional, and Parks</b> (Applicable to those properties along either side of Post Road/Hanley Road currently used for public, institutional, religious, or parks & recreation facilities)	a. Park or playground
	b. Recreational facility
	c. Government facility
	d. Religious institution
	e. Educational facility/institution

**E. Site Regulations.**

<b>"ND" New Development District Site Regulations</b>	
1. Lot Standards	As required by the applicable Corresponding Zoning District Regulations per Subsection (D) above.
2. Yard and Setback Requirements	As required by the applicable Corresponding Zoning District Regulations per Subsection (D) above.
3. Height Requirements	As required by the applicable Corresponding Zoning District Regulations per Subsection (D) above.

<b>"ND" New Development District Site Regulations</b>		
4. Off-street Parking and Loading	a. Off-street parking and loading shall be provided in compliance with the requirements of Article XI of Chapter 405 of this Code; provided, however, that the shared parking reductions set forth under Subsections (E)(4)(b) and (E)(4)(c) of this Section may be approved as part of the approval of an Area Plan pursuant to Article IV of Chapter 405 of this Code for uses located within 800 feet of the shared parking facility.	
	b. Shared parking reductions for different use combinations	(1) Joint Office and retail or service uses A maximum 20% reduction in total spaces required.
		(2) Joint Residential and retail or service uses A maximum 30% reduction in the residential parking required. Restaurant and entertainment venues shall be excluded.
		(3) Joint Residential and office uses A maximum 40% reduction in the residential parking required.
	c. Shared parking reductions for same use combinations	(1) Four or more separate establishments of same use A maximum 20% reduction in the total spaces required.
		(2) Three separate establishments A maximum 15% reduction in the total spaces required.
		(3) Two separate establishments A maximum 10% reduction in the total spaces required.
5. Utilities	Utilities serving a site and the on-site structures shall be located underground in easements that can serve multiple properties.	
6. Landscape Requirements	As required by Article IX of this Chapter.	
7. Performance Standards	As required by Article XII of this Chapter.	
8. Storm Sewer and Drainage Facilities	As required by Chapter 550 of this Code.	

**F. Design Standards.**

<b>"ND" New Development District Design Standards</b>	
1. Building Placement and Orientation	a. The main façade of a building must be oriented to face the principal street on which it has frontage.
	b. Buildings on corner lots must be oriented so that the façade design is given equal treatment to each street on which it has frontage.
	c. Buildings should occupy a lot in accord with the standards of the Corresponding Zoning District Regulations as may be applicable as set forth in Subsections (D)(1) and (E) above.
2. Building Materials	a. Building materials should be used and installed in keeping with the chosen architectural style. Building material colors should be varied and complementary to each other.

<b>"ND" New Development District Design Standards</b>	
	<p>b. Unless modified through Area Plan or Site Plan approval, at least seventy (70) percent of each building's façade (not including window and door openings) should be clad using primary materials as identified under Subsection (F)(2)(c) of this Section.</p>
	<p>c. Walls (primary materials)</p> <p>(1) Primary materials include brick, stone, stucco, cast stone, wood shingle, wood or fiber cement siding.  (2) EIFS shall also be allowed as a primary material but shall not be permitted on the ground floor portion of a façade.  (3) Tilt-up concrete, or similar, shall be permitted when tinted, stained, or stamped with a pattern.</p>
	<p>d. Walls (accent materials)</p> <p>Accent materials include metal panels, decorative concrete masonry units, architectural cement block, textured concrete panels, glass block, or any primary materials.</p>
	<p>e. Arches and Piers</p> <p>Shall match or be compatible with wall materials.</p>
	<p>f. Columns and Posts</p> <p>Shall be wood, composite, metal, brick, stone, or cast stone.</p>
	<p>g. Fences</p> <p>(1) Shall be wood boards, composite, vinyl, ornamental iron, decorative concrete, decorative metal (but not including chain link), masonry, trellis, lattice, or some combination thereof.  (2) Bases or columns of stucco, brick, or stone are encouraged.</p>
	<p>h. Accessory buildings or structures</p> <p>Shall be clad with materials compatible with or matching the primary building or structure.</p>
	<p>i. Generally unacceptable materials</p> <p>Vinyl or aluminum siding, plywood panels, plexiglass, corrugated metal, concrete modular block, corrugated tin roof, mirrored glass on ground floor.</p>
3.	<p>a. Façade Articulation and Relief</p> <p>Each building shall incorporate several common architectural features, appropriate for the architectural style chosen. Design features should be used to enhance main facades, especially at building entries. Windows are key to the overall design of a building and the relationship between the exterior and interior.</p>
	<p>b. Entrance design requirements</p> <p>Building entrances are required to be clearly delineated and indicate a clear transition from the exterior to the interior of the building. Every main entrance to a building is required to have a special emphasis when compared to the other portions of the building.</p>
	<p>c. Articulation requirements</p> <p>Horizontal and vertical façade variations (depth relief) shall be required on the first three floors of building façade. Above the third floor, a flat façade design is permitted.</p>
	<p>d. Window requirements</p> <p>At least 50% of the ground floor façade shall be window or door openings. Clear glass for storefronts, windows, and doors shall be used for retail type buildings.</p>
	<p>e. Corner requirements</p> <p>Corner lot buildings should include a prominent architectural feature of greater height than the rest of the roof, or emphasis at the corner where the two public streets meet.</p>
	<p>f. Façade detail examples</p> <p>Pilasters, piers, columns, friezes, cornices, and window surrounds.</p>

<b>"ND" New Development District Design Standards</b>	
	<p>g. Façade relief Balconies of various depth, canopies, awnings, covered arcades, roof overhangs, recesses, and bay windows or similar projections.</p>
4. Height and Rooflines	<p>a. Buildings should have varying roofline elevations to add architectural interest and avoid the appearance of long, monotonous roofline expanses.</p> <p>b. For flat roof designs, a variation such as a parapet or tower is required every fifty (50) feet of roofline.</p>
5. Amenity Areas	<p>a. Outdoor seating and gathering areas should be provided for commercial developments.</p> <p>b. Patio and seating areas may be located in required setbacks, but shall not encroach into required walkways.</p> <p>c. Bicycle racks or parking areas shall be provided adjacent to entrances. Centralized racks may be located to serve multiple businesses.</p> <p>d. Public art is encouraged to help create an identity for the "ND" District.</p>
6. Sidewalks and Walkways	<p>a. Sites and buildings shall be designed to encourage pedestrian activity and social interaction and create an environment that supports pedestrian and bicycle access.</p> <p>b. Interior sidewalks and walkways shall be a minimum of five (5) feet in width.</p> <p>c. Walkways from rear parking areas to the front of lots shall be a minimum of ten (10) feet in width.</p>
7. Right-of-way and Streetscape	<p>d. If a tree lawn and sidewalk are not already located along an adjacent street, a tree lawn of at least five (5) feet in width and a sidewalk minimum of five (5) feet in width shall be constructed along the entire length of the property line adjacent to the street. For purposes of this Section, the term "tree lawn" shall mean a narrow band of unpaved area located between the edge of the street pavement and an adjacent sidewalk.</p>
8. Parking and Access	<p>a. Parking areas shall be located along the side or rear of buildings.</p> <p>b. No direct pull-in, back-out parking spaces shall be permitted along streets. Parallel parking is allowed.</p> <p>c. Shared access (vehicle ingress/egress) points are encouraged to reduce the number of curb cuts along streets.</p>
9. Screening	<p>a. Mechanical equipment and dumpster areas Screening from ground-level view of primary access roads and residential districts shall be provided for ground mounted and rooftop mechanical equipment and dumpster areas.</p> <p>b. Loading and service areas The same screening shall be required as for mechanical equipment. In addition, service parking and loading zones should be located away from residential uses to the maximum extent possible and buffered in accordance with standards of Article IX of Chapter 405 of this Code.</p> <p>c. Solid fences or walls compatible in design and color to the building material and design shall be used.</p> <p>d. Chain link (including cloth, canvas, or slat covered) and wire fencing shall not be used for screening.</p>
10. Lighting	<p>a. Proper layout, height, fixture selection, and lighting level shall be incorporated as part of the Final Plan or Site Plan design requirements.</p>



<b>"ND" New Development District Design Standards</b>	
b.	Site lighting shall use LED bulb technology of low-intensity from a concealed source, shall be of a clear white or amber light that does not distort colors, and shall not spill over onto adjoining properties, highways, or in any way interfere with the vision of oncoming motorists. Lighting fixtures shall be of a type capable of shielding the light source from direct view. The Final Plan or Site Plan, as applicable, must show the relationship of fixtures and the light patterns to each other, to the project site, to the development, and the adjacent rights-of-way.
c.	Fixtures used to accent architectural features, landscaping or art shall be located, aimed or shielded to minimize light spillover onto the surrounding environment.
d.	Architectural lighting shall be recessed under roof overhangs or generated from a concealed source, low-level light fixture(s). Roof lights, lighted roof panels, and other methods of illuminating buildings, deemed inappropriate, are not allowed.
e.	Decorative, low-level intensity, non-concealed source lighting that defines on-site vehicular and/or pedestrian ways are acceptable.

**G. Sign Regulations.**

1. Signage shall be in compliance with Article X of Chapter 405 of this Code unless a Comprehensive Sign Plan is submitted for approval in association with an Area Plan or Site Plan. The Planning and Zoning Commission may recommend, and the Board of Aldermen may approve, a Comprehensive Sign Plan and such plan shall be made part of the ordinance approving the Area Plan or Site Plan. This ordinance may contain conditions, requirements or standards regarding signs that may be stipulated by the Board of Aldermen.
  - a. A request for approval for a Comprehensive Sign Plan shall include, but is not limited to, the following:
    - i. A Site Plan, depicting the proposed plan of development and illustration of proposed sign locations;
    - ii. Descriptions and drawings indicating size, qualities, materials and illumination; and
    - iii. A narrative description of the common theme for signage within the development, how it relates to architectural and/or landscaping elements of the development, and how the Comprehensive Sign Plan relates to each of the criteria set forth in this Section.
  - b. Comprehensive Sign Plans shall be evaluated based upon the following criteria:



- i. *Placement.* All signs shall be placed where they are sufficiently visible and readable for their function. Factors to be considered shall include the purpose of the sign, its location relative to traffic movement and access points, site features, structures and sign orientation relative to viewing distances and viewing angles.
- ii. *Quantity.* The number of signs that may be approved within any development shall be no greater than that required to provide project identification and entry signs, internal circulation and directional information to destinations and development sub-areas and business identification. Factors to be considered shall include the size of the development, the number of development sub-areas, and the division or integration of sign functions.
- iii. *Size.* All signs shall be no larger than necessary for visibility and readability. Factors to be considered in determining appropriate size shall include topography, volume of traffic, speed of traffic, visibility range, proximity to adjacent uses, amount of sign copy, placement of display (location and height), lettering style and the presence of distractive influences. In no event shall a plan contain a sign which exceeds by more than fifty (50) percent that of any maximum area standard contained in Article X unless otherwise waived by the Board of Aldermen.
- iv. *Materials.* Sign materials shall be compatible with architectural and/or natural features of the development. This may be accomplished through similarity of materials for sign structures and faces, the use of complementary colors, similarity of architectural style or the use of consistent lettering style and typography.

**SECTION 2. Savings Clause:** Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

**SECTION 3. Severability Clause:** If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

**SECTION 4. Effective Date:** This Ordinance shall take effect and be in force from and after its passage by the Board of Aldermen and its approval by the Mayor of the City of Dardenne Prairie, Missouri.

Read the first (1<sup>st</sup>) time this 1<sup>st</sup> day of September, 2021.

John W. Botwin  
As Presiding Officer and as Mayor

Attest:

Kim Clark  
City Clerk

Read the second (2<sup>nd</sup>) time and passed this 15<sup>th</sup> day of September, 2021.

John W. Botwin  
As Presiding Officer and as Mayor

Attest:

Kim Clark  
City Clerk

Approved this 15<sup>th</sup> day of September, 2021.

John W. Botwin  
Mayor

Attest:

Kim Clark  
City Clerk