

88-255 SC, SHOAL CREEK DISTRICT

88-255-01 PURPOSE AND INTENT

88-255-01-A. The SC, Shoal Creek district is intended for application only the Shoal Creek development, which was originally approved through the ~~(former) Master Planned Community~~ (MPC) regulations under Chapter 80, the previous Zoning and Development Code. The district is intended to accommodate and encourage specific design criteria that will be environmentally sensitive, public service-efficient, and demonstrate progressive and innovative land planning, site planning, engineering, and architectural methods and techniques. The district provides a method to address the concerns identified in the comprehensive plan of the city and issues related to providing basic public services, such as water and sewer extensions, construction of public streets and use of open space.

88-255-01-B. The SC district is further intended to:

1. identify sensitive use and protection of the natural environment and open space consisting of natural features, undisturbed areas, greenbelts, parks, plazas, and landscaped areas for the use and enjoyment of all residents and visitors;
2. preserve and enhance existing man-made and natural environs on the site;
3. create individual neighborhoods limited in size to optimize the pedestrian experience;
4. provide a variety of housing types to promote a diversity of housing stock and neighborhoods;
5. provide a variety of retail, office, and commercial uses to offer local employment;
6. provide a network of interconnecting streets within the neighborhood that serve pedestrians and automobiles in a safe, aesthetic and efficient manner;
7. provide a neighborhood design that accommodates a variety of transportation modes and transit systems;
8. designate sites for civic buildings, focal points, landmarks, public open space and community identity;
9. define public space and create a diverse environment by establishing proportions governing building setbacks, bulk, form, and character;
10. support compact and mixed use development patterns that reduce long commutes, retain open spaces, and minimize costs for public services and facilities;
11. advance new and innovative master planning, site planning, engineering and architectural methods and techniques;
12. encourage flexibility and creativity in proposing new planning concepts that are responsive to changing economic and market conditions; and
13. encourage the location of new community anchors along existing or proposed transit corridors to create critical mass.

88-255-01-C. APPLICABILITY

SC zoning may be applied only to lands included within the Shoal Creek development originally approved through the MPC, master planned community provisions of the zoning ordinance in effect prior to January 1, 2011.

88-255-02 GENERAL REQUIREMENTS

88-255-02-A. A master plan must be prepared for all of the land area included within the proposed SC district, in compliance with the regulations and requirements of this article.

88-255-02-B. An application for SC zoning must be accompanied by a community master plan and a traffic study.

~~**88-255-02-C.** Detailed requirements for all types of development and amendments to the SC area can be found in the Shoal Creek Community Plan.~~

~~**88-255-02-C.** No land proposed for any SC district, the location of which would include land both within and outside the city limits, may be considered. The portions lying within the city and outside the city limits will be considered separately and not as part of the entire development.~~

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88-255-03 COMMUNITY MASTER PLAN

A community master plan is a narrative and illustrative plan which presents a unified and organized strategy for development and service facilities having a logical relationship to the property as a whole. A community master plan must consist of all of the following:

88-255-03-A. Project summary setting forth a general description of the overall development, a survey of existing conditions including existing zoning districts, vegetation, slopes, water resources, and floodplains and a division of the land into subareas based upon natural or man-made physical boundaries which are referred to individually as a "neighborhood."

88-255-03-B. Land use plan, including a graphic plan designating acreage and general locations for proposed uses, written development standards that identify permitted uses, quantify the intensity of uses, and establish parking, building height, and setback requirements. The land use plan may propose subdistricts within the district and provide for particular standards within each subdistrict. For purposes of the SC district, "subdistrict" is an area within the overall SC that may incorporate general requirements of the SC district or that may have standards distinct and unique from other areas within the SC.

88-255-03-C. Infrastructure plan, including a traffic impact study, street sections and provisions for public utilities, street lighting, and storm drainage facilities to serve the site.

88-255-03-D. Community facilities plan, including provisions for parks and recreation facilities, open space, school, fire stations, and other public safety facilities.

88-255-03-E. Community design plan, describing the design intent for the community as a whole and the neighborhoods that comprise the community through community-wide design goals, objectives, and guiding principles depicted in an illustrative plan.

88-255-03-F. Implementation and outline of the processes required to initiate construction and provide management and administration for the community as it builds out.

88-255-04 USES

In the SC district, no building or land may be used and no building may be erected, altered or enlarged, unless it is arranged, intended or designed ~~as permitted by the Shoal Creek Community Plan, for other than one or more of the following uses and unless it meets the performance standards set forth in 88-255-05.~~

88-255-04-A. PRINCIPAL USES

- ~~1. Apartments (including, but not limited to, row houses, and townhouses).~~
- ~~2. Bakery.~~
- ~~3. Banks, credit unions, savings and loan associations, and other financial services.~~
- ~~4. Barbershops or beauty shops.~~
- ~~5. Bus or other transit stations for passenger pickup and discharge only.~~
- ~~6. Churches, synagogues, mosques, schools, libraries, community centers, private clubs, recreational areas, museums, and art galleries.~~
- ~~7. Clinics and hospitals.~~
- ~~8. Day care facilities.~~
- ~~9. Gas/convenience stores.~~
- ~~10. Gyms and health clubs.~~
- ~~11. Hotels.~~
- ~~12. Light industrial uses.~~
- ~~13. Offices—administrative, professional, general, and medical.~~
- ~~14. Public parking lots or stations for passenger cars or taxicabs.~~
- ~~15. Repair shops for motor vehicles, appliances, and household items.~~
- ~~16. Residential dwellings: Detached houses, attached houses, and two-unit houses~~
- ~~17. Restaurants excluding "drive-in" and "drive-thru" restaurants unless specifically designated in the development plan.~~
- ~~18. Retail sales and services.~~
- ~~19. Studios.~~
- ~~20. Theaters.~~
- ~~21. Veterinary services.~~
- ~~22. Warehouses.~~

88-255-04-B. ACCESSORY USES

Any use which is accessory and incidental to any enumerated principal use is permitted in accordance with the Shoal Creek Community Plan. No outdoor storage is permitted, if it meets the performance standards set forth in 88-255-05.

88-255-04-C. OTHER USES

Any use (including a temporary use) not specifically set forth herein, and not a prohibited use, may be considered as a permitted use when specifically shown and identified in any community master plan.

88-255-04-CD. PARKING AND LOADING

Except as specified in the community master plan, the parking and loading provisions of 88-420.

88-255-05 - RESERVED

88-255-05 PERFORMANCE STANDARDS

The following provisions, standards, and specifications apply uniformly to all uses in an SC district.

~~88-255-05-A. All activities, including all storage involving flammable and explosive materials, must be limited to an area with adequate safety devices against the hazard of fire and explosion, adequate fire fighting and fire suppression equipment, and devices standard in the industry.~~

~~88-255-05-B. Burning of waste materials in open fires is prohibited at any point unless authorized by fire department permit, subject to such conditions as may be prescribed by the fire department in each case. The relevant provision of state and local laws and regulations also apply.~~

~~88-255-05-C. No activities are permitted that violate the Requirements and Standards of the Radiation Protection Regulations of the Missouri State Board of Health, and no electrical disturbance or any disturbance resulting from radio or television transmission will be tolerated which affects adversely the operation at any point of any equipment other than that of the creator of such disturbance.~~

~~88-255-05-D. At the point of measurement specified herein the sound pressure level of noise radiated from a facility at nighttime may not exceed 40 decibels or the average sound level of the street traffic noise nearest the noise generator, whichever is higher, in any octave band of frequency above 300 cycles per second.~~

- ~~1. Between the hours of 6:00 am and 8:00 pm the sound pressure level of noise radiated from a facility may not exceed 65 decibels in residential areas and 95 decibels in all other areas, or 10 decibels above the average sound level of the existing background noise in the locality of the noise generator, whichever is higher, in an octave band of a frequency above 300 cycles per second.~~
- ~~2. The sound pressure level must be measured with a sound level meter and an octave band analyzer that conform to the specifications published by the American Standards Association.~~
- ~~3. Below 300 cycles per second maximum sound pressure must conform to the following table:~~

Octave Band (cycles per second)	Decibels
0—75	70
75—149	60
150—300	50
More than 300	40

- ~~4. Notwithstanding the foregoing, nothing set forth herein will be deemed to authorize any activity which would otherwise be considered a violation of chapter 46, Code of Ordinances.~~

~~88-255-05-E. No vibration is permitted that is discernible without instruments at the points of measurement.~~

~~88-255-05-F. No emission is permitted at any point, from any chimney or otherwise, of visible grey smoke of shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc. and copyrighted 1954 (being a direct facsimile reproduction of the Standard Ringlemann Chart as issued by the United States Bureau of Mines), except that visible grey smoke of a shade equal to No. 2 on said chart may be emitted for 4 minutes in any 30 minutes. Notwithstanding the foregoing, nothing set forth herein will be deemed to authorize any activity which would otherwise be considered a violation of Chapter 8, Code of Ordinances.~~

~~88-255-05-G. No emission is permitted of odorous gases or other odorous matter in such quantities as to be unreasonably offensive at the points of measurement.~~

~~88-255-05-H. No emission is permitted that which can cause excessive soiling at any point. Fly ash or other particulate matter resulting from the burning of combustible materials may not exceed a loading in the stack or vent gases of eighty-five one hundredths point per 1000 pounds of conveying gas (twenty-five one hundredths grain per cubic foot measured at 5000 and 50% excess air).~~

~~88-255-05-I. No direct or sky reflected glare is permitted, whether from floodlight, high temperature processes such as combustion or welding or otherwise which are unreasonably objectionable at the points of measurement. All lights must be so installed as to deflect from adjacent residential developments and streets.~~

~~88-255-05-J. No discharge is permitted at any point into any public sewer, private sewage disposal system, stream or into the ground, of any materials of such nature or temperature which may contaminate any water supply, interfere with the orderly operation of public sewage collection and treatment systems or otherwise cause the emission of dangerous or offensive elements except in accord with standards approved by the appropriate state and local officials, or standards equivalent to those approved by said authorities for similar uses.~~

~~88-255-05-K. No outside storage of any kind is permitted.~~

~~88-255-05-L. No land or building in the SC district may be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazards (including possible potential hazards), noise vibration, smoke, dust, odor, or other form of air pollution, heat, cold, dampness, electrical or other substance, condition or element (referred to herein as "dangerous and objectionable elements") in such a manner or in such amount as to adversely affect the surrounding area. Nor may any activity not expressly prohibited by this section be undertaken and maintained unless it conforms to the regulations limiting dangerous and objectionable elements at the point of the determination of their existence.~~

88-255-06 - RESERVED

88-255-06 PUBLIC IMPROVEMENTS

~~The SC district is intended to provide not only a mix of uses and dwelling types and uses but to also encourage the use of alternative standards for public improvements based on the approved community master plan. The community master plan must specify the variations from the city's *Standards, Specifications, and Design Criteria* for streets, sidewalks, storm sewers, streetlights, and any other public improvement if variations are proposed. In addition to identification of such variations, the community master plan must describe under which circumstances the variations may be used. In the course of carrying out the community master plan, additional variations to the city's *Standards, Specifications, and Design Criteria* for public improvements may be requested to the city's *Standards, Specifications, and Design Criteria* for public improvements by the applicant for review and approval by the appropriate city department. Regional detention facilities are encouraged and should be considered.~~

88-255-07 NEIGHBORHOOD PLAN

~~88-255-07-A. After establishment of an SC district but prior to approval of any final plan or final plat affecting an area within a neighborhood, the applicant must submit for approval a neighborhood plan identifying the improvements for storm drainage, sanitary sewer, water lines, street construction, and park dedication. Prior to the submission of the neighborhood plan, the applicant must submit a proposal to conduct a meeting in the vicinity of such Neighborhood Plan to solicit comments from adjoining property owners. The neighborhood plan must be reviewed and approved by the appropriate city department prior to any~~

~~approval of a final plan or final plat for the neighborhood in accordance with the Shoal Creek Community Plan.~~

~~88-255-07-B. A neighborhood plan is a narrative and illustrative plan which presents a program for public facilities related to the neighborhood as a whole. A neighborhood plan must consist of all of the following:~~

- ~~1. Land use plan, including a graphic plan designating acreage and locations for proposed uses, preliminary yields for each identified permitted use within the neighborhood and preliminary lots or parcels with configuration and dimensions.~~
- ~~2. Infrastructure plan, including a proposed street and public right of way layout, capacity and dimensions, and utilities master studies to establish capacities, sizing, and linkages with off site facilities.~~
- ~~3. Community facilities plan, including general locations and sizes of public and private parks, open space, and other community facilities (schools, public safety and other similar uses).~~
- ~~4. Community design for neighborhood with design guidelines addressing architecture and materials, landscaping, fencing, and signage.~~
- ~~5. Implementation with subarea and construction phasing, private design review details, and timing of dedication, and construction of public and private facilities.~~

88-255-08 FINAL PLAT AND FINAL PLAN

88-255-08-A. FINAL PLAT

Prior to the issuance of a building permit for any construction within an SC district, the area included within the building permit must be platted. At the option of the applicant, any portion of the community master plan may serve also as the preliminary subdivision plat. Such option must be declared prior to the hearing before the city plan commission. At the time of submission of a final plat, the applicant for the final plat must provide an audit of the neighborhood development as of the date of the submission of the application for a final plat demonstrating that densities established by the community and neighborhood plans have not been exceeded and further that the audit identify the existing parkland dedication and any deficiencies or surpluses in the amount of required dedication.

88-255-08-B. FINAL PLAN

1. Prior to the issuance of any building permit within the area zoned SC, the applicant for the building permit must present a final plan for review and approved ~~in accordance with the Shoal Creek Community Plan, al by the city plan commission.~~ In the case of detached house residential development, the final plat will serve as the final plan. ~~The final plan must include specific information regarding the location of the proposed use on the property subject to the final plan defined by legal description, precise setback distances, specific methods of light, landscaping, grading, and architectural characteristics, if required, and any other information necessary to effectuate the purpose of the district. The city plan commission must consider whether the final plan is in substantial compliance with the intent of the community master plan and consistent with the neighborhood plan including any variations or modifications approved by the city planning and development director as part of the neighborhood plan approval process. If the city plan commission determines that the final plan is in compliance with the approved community master plan, the commission must approve the final plan and so advise the city planning and development director. If the city plan commission determines that the final plan is not in substantial compliance with the approved plans, the applicant may elect to proceed as identified in 88-255-09.~~

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2. At the time of approval of the final plan (or final plat for residential) the applicant may request and the ~~City Plan Commission~~ ~~commission~~ may approve variations or modifications to the bulk and area standards requested by the applicant subject to consideration of the following criteria:
 - (a) The modification is limited to a use specifically set forth for the subdistrict or a use which is compatible with other uses permitted in the subdistrict;
 - (b) The modification is limited to application of the standards of the subdistrict and may not permanently alter such standards;
 - (c) Except for the specific modification, the other standards of the subdistrict will remain in effect;
 - (d) The modification must reflect the spirit and intent of the SC district as a whole and must maintain any unique planning design which are inherent to the development of the neighborhood area.
 - (e) Absent approvals provided herein the standards for a subdistrict (or incorporated provisions of other zoning regulations) apply without exception.
 3. In the course of implementing the approved final plan, certain revisions or adjustments of detail may be permitted if approved by the city planning and development director. However, such revision or adjustment of detail must be in substantial compliance with the final plan approved by the city plan commission. If the city planning and development director finds that such revisions or adjustments of detail are not in conformance with the approved final plan, the applicant may submit a new final plan to the city plan commission for its review and approval.

~~(Ord. No. 220398, § 1, 5-19-2022)~~

88-255-09 AMENDMENTS TO APPROVED PLANS

88-255-09-A. If ~~the city plan commission determines that~~ the final plan is not in substantial compliance with the approved community master plan subject to any variations or modifications submitted as part of the final plan or final plat (as provided above), the ~~commission must deny the request~~ ~~application must be denied~~. The applicant may resubmit a revised final plan which does conform with the approved community master plan or may file an amended community master plan in the same manner as provided for a zoning map amendment. Provided, however, if the community master plan identifies neighborhoods, no amendment need include information other than that required to amend the neighborhood plan notwithstanding any other provision to the contrary.

88-255-09-B. Requests to amend an approved plan must be processed as a zoning map amendment in accordance with ~~the Shoal Creek Community Plan and~~ 88-515, except that the city planning and development director is authorized to approve minor amendments to the SC plan in accordance with the administrative adjustment procedures of 88-570 (see specifically 88-570-02-H).

88-255-09-C. The perimeter boundaries of an established SC district may be modified from time to time by the original applicant or its assignee in the same manner as provided for a zoning map amendment. Such modification may be to an existing neighborhood or may establish a new neighborhood or may be to an existing subdistrict.

~~(Ord. No. 120783, § 1, 10-4-2012; Ord. No. 250327, § 1, 5-1-2025)~~