

HOUSE BILL NO. 2991

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE EALY.

6440H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 66, RSMo, by adding thereto one new section relating to mixed-use and multifamily residential developments.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 66, RSMo, is amended by adding thereto one new section, to be
2 known as section 66.451, to read as follows:

66.451. 1. As used in this section, the following terms mean:

2 (1) "County", a county with a charter form of government and with more than
3 seven hundred thousand inhabitants;

4 (2) "Heavy industrial use", a storage, processing, or manufacturing use:

5 (a) With processes using flammable or explosive materials;

6 (b) With hazardous conditions; or

7 (c) That is noxious or offensive from odors, smoke, noise, fumes, or vibrations;

8 (3) "Housing organization", a:

9 (a) Trade or industry group organized under the laws of this state consisting of
10 local members primarily engaged in the construction or management of housing units;

11 (b) Nonprofit organization organized under the laws of this state that:

12 a. Provides or advocates for increased access or reduced barriers to housing;

13 and

14 b. Has filed written or oral comments with the general assembly; or

15 (c) Nonprofit organization that is engaged in public policy research, education,
16 and outreach that includes housing policy-related issues and advocacy;

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (4) "Mixed-use residential", when used to describe land use or development, the
18 use or development, as applicable, of a site consisting of residential and nonresidential
19 uses in which the residential uses are at least sixty-five percent of the total square
20 footage of the development. The term includes, but is not limited to, the use or
21 development of a condominium;

22 (5) "Multifamily residential", when used to describe land use or development,
23 the use or development, as applicable, of a site for three or more dwelling units within
24 one or more buildings. The term includes, but is not limited to, the use or development
25 of a residential condominium.

26 2. This section shall not be construed to affect the authority of a municipality
27 within a county to:

28 (1) Apply the municipality's regulations on short-term rental units to a mixed-
29 use residential or multifamily residential development;

30 (2) Adopt or enforce water quality protection regulations to implement or
31 comply with water quality requirements under state or federal law;

32 (3) Adopt or enforce a density bonus program or other voluntary program that
33 allows for site development standards that are less restrictive than the standards
34 described by this section; or

35 (4) Apply the following regulations that are generally applicable to other
36 developments in the municipality:

37 (a) Except as otherwise provided by this chapter:

38 a. Sewer and water access requirements; or

39 b. Building codes;

40 (b) Storm water mitigation requirements; or

41 (c) Regulations related to historic preservation including, but not limited to,
42 protecting historic landmarks or property in the boundaries of a local historic district.

43 3. (1) Notwithstanding any other provision of law to the contrary, a municipality
44 in a county shall allow mixed-use residential use and development or multifamily
45 residential use and development in a zoning classification that allows office, commercial,
46 retail, warehouse, or mixed-use use or development as an allowed use under the
47 classification.

48 (2) Notwithstanding any other provision of law to the contrary, a municipality in
49 a county shall not require the change of a zoning district or land use classification or
50 regulation or an approval of an amendment, exception, or variance to a zoning district
51 or land use classification or regulation prior to allowing a mixed-use residential use or
52 development or multifamily residential use or development in an area covered by a
53 zoning classification described by subdivision (1) of this subsection. An amendment,

54 exception, or variance to a zoning district or land use classification or regulation
55 includes, but is not limited to, a special exception, zoning variance, site development
56 variance, subdivision variance, conditional use approval, special use permit,
57 comprehensive plan amendment, or other discretionary approval to allow a mixed-
58 use residential use or development or multifamily residential use or development.

59 (3) This section does not apply to:

60 (a) A zoning classification that allows heavy industrial use;

61 (b) Land located within:

62 a. One thousand feet of an existing heavy industrial use or development site; or

63 b. Three thousand feet of an airport or military base; or

64 (c) An area designated by a municipality in a county as a clear zone or accident
65 potential zone.

66 4. (1) Notwithstanding any other provision of law to the contrary, a municipality
67 in a county shall not adopt or enforce an ordinance, zoning restriction, or other
68 regulation that:

69 (a) Imposes on a mixed-use residential or multifamily residential development:

70 a. A limit on density that is more restrictive than the greater of:

71 (i) The highest residential density allowed in the municipality; or

72 (ii) Thirty-six units per acre;

73 b. A limit on building height that is more restrictive than the greater of:

74 (i) The highest height that would apply to an office, commercial, retail, or
75 warehouse development constructed on the site; or

76 (ii) Forty-five feet; or

77 c. A setback or buffer requirement that is more restrictive than the lesser of:

78 (i) A setback or buffer requirement that would apply to an office, commercial,
79 retail, or warehouse development constructed on the site; or

80 (ii) Twenty-five feet;

81 (b) Requires a mixed-use residential or multifamily residential development to
82 provide:

83 a. More than one parking space per dwelling unit; or

84 b. A multilevel parking structure;

85 (c) Restricts the ratio of the total building floor area of a mixed-use residential or
86 multifamily residential development in relation to the lot area of the development; or

87 (d) Requires a multifamily residential development not located in an area zoned
88 for mixed-use residential use to contain nonresidential uses.

89 (2) Notwithstanding any other provision of law to the contrary, if a municipal
90 authority responsible for approving a building permit or other authorization required

91 for the construction of a mixed-use residential or multifamily residential development
92 determines that a proposed development meets municipal land development regulations
93 in accordance with this section, the municipal authority:

94 (a) Shall administratively approve the permit or other authorization; and

95 (b) Shall not require further action by the governing body of the municipality
96 for the approval to take effect.

97 5. (1) This subsection applies only to a building or the structural components of
98 the building that:

99 (a) Are being used for office, retail, or warehouse use;

100 (b) Are proposed to be converted from nonresidential occupancy to mixed-use
101 residential or multifamily residential occupancy for at least sixty-five percent of the
102 building and at least sixty-five percent of each floor of the building that is fit for
103 occupancy; and

104 (c) Were constructed at least five years before the proposed date to start the
105 conversion.

106 (2) Notwithstanding any other provision of law to the contrary, a municipality in
107 a county shall not, in connection with the use, development, construction, or occupancy
108 of a building proposed to be converted to mixed-use residential or multifamily
109 residential use, require:

110 (a) The preparation of a traffic impact analysis or other study relating to the
111 effect the proposed converted building would have on traffic or traffic operations;

112 (b) The construction of improvements or payment of a fee in connection with
113 mitigating traffic effects related to the proposed converted building;

114 (c) The provision of additional parking spaces, other than the parking spaces
115 that already exist on the site of the proposed converted building;

116 (d) The extension, upgrade, replacement, or oversizing of a utility facility except
117 as necessary to provide the minimum capacity needed to serve the proposed converted
118 building; or

119 (e) A design requirement including, but not limited to, a requirement related to
120 the exterior, windows, internal environment of a building, or interior space dimensions
121 of an apartment that is more restrictive than the applicable minimum standard under
122 the International Building Code as adopted as a municipal commercial building code by
123 such municipality.

124 (3) Notwithstanding any other provision of law to the contrary, a municipality in
125 a county shall not impose an impact fee on land where a building has been converted to
126 mixed-use residential or multifamily residential use unless the land on which the

127 **building is located was already subject to an impact fee before a building permit related**
128 **to the conversion was filed with the municipality.**

129 **6. (1) A housing organization or other person adversely affected or aggrieved by**
130 **a violation of this section may bring an action for declaratory or injunctive relief against**
131 **a municipality in a county.**

132 **(2) The court shall award court costs and reasonable attorney's fees to a**
133 **claimant who prevails in an action brought under this section.**

134 **(3) Notwithstanding any other provision of law to the contrary, an action**
135 **brought under this section shall be brought in a county in which all or part of the real**
136 **property that is the subject of the action is located.**

137 **7. (1) A county or municipality in a county may enact or impose impact fees on**
138 **land within its corporate boundaries or extraterritorial jurisdictions only by complying**
139 **with this section.**

140 **(2) No county or municipality shall enact or impose an impact fee on land within**
141 **its extraterritorial jurisdiction for roadway facilities.**

142 **8. (1) This section applies only to a mixed-use residential or multifamily**
143 **residential development project initiated on or after the effective date of this section.**

144 **(2) This section applies only to a building proposed to be converted to mixed-use**
145 **residential or multifamily residential use in which a building permit was submitted to a**
146 **municipality on or after the effective date of this section.**

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