

PROPOSED BY: Planning & Zoning Commission BILL NO. 17-2812

INTRODUCED BY: Alderman Kleinschmidt ORDINANCE NO.2800

AN ORDINANCE REPEALING APPENDIX C: ZONING DISTRICTION REGULATIONS; ADOPTING A NEW ZONING CODE IN LIEU THEREOF; ADOPTING A REVISED ZONING MAP; AND EFFECTIVE DATE

WHEREAS, Chapter 89, RSMO 2017, authorizes cities to adopt zoning regulations governing land use within the municipality; and

WHEREAS, Ordinance 23 , enacted 01/09/1950, established the first land used regulations within the city of Des Peres and such regulations as amended over 67 years have been incorporated into the Municipal Code of the City of Des Peres as Appendix C: Zoning Regulations; and

WHEREAS, under Ordinance 2757, enacted of the Municipal Code of the City of Des Peres was adopted in May 2016, retained PGAV to assist the Planning & Zoning Commission in a comprehensive review, reorganization and update of the zoning code; and

WHEREAS, at their meeting held January 11, 2017, the Planning & Zoning Commission recommended the text of a revised Appendix C: Zoning Regulations and recommended adoption of a revised zoning map as prepared by PGAV; and

WHEREAS, after first given notice as required by law, the Board of Aldermen conducted a public hearing relative to the proposed zoning regulations on the 11th day of September, 2017;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DES PERES, MISSOURI, AS FOLLOWS:

Section One.

Appendix C: Zoning Regulations of the Municipal Code of the City of Des Peres is hereby repealed and a new Appendix C: Zoning Regulations adopted in lieu thereof as of the effective date of this ordinance as set out below. Such new Appendix C is attached herein as Exhibit "A" and incorporated herein by reference as if fully set forth herein.

Section Two.

The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section Three.

The Zoning Map attached hereto as Exhibit "B" and incorporated herein by reference is hereby adopted as the official zoning map of the City of Des Peres as of the effective date of this ordinance as set out below.

Sectin Four.

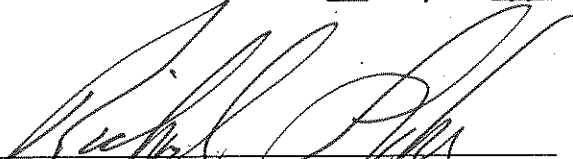
It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section Five.

This Ordinance shall be in full force and effect both from and after its passage and approval by the Mayor.

Voting in Favor:
Voting Against:
Absent:

This ordinance passed by the Board of Aldermen this 9 day of October, 2017



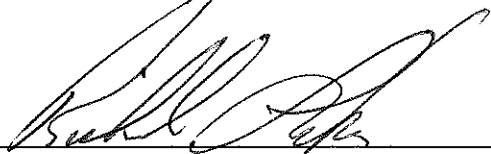
Richard Lahr, Mayor

ATTEST:



Stacey Seymour, City Clerk

This Ordinance approved this 11 day of October 2017.



Richard Lahr, Mayor

ATTEST



Stacey Seymour, City Clerk

First Reading 7-10-2017
Public Hearing 9-11-2017
Second Reading 9-25-2017
Approval 10-09-2017



CITY OF DES PERES, MISSOURI

APPENDIX C – ZONING DISTRICT REGULATIONS

REVISED JANUARY 11, 2017

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Chapter and Section	Page Number
Chapter 400 – General Provisions	
Section 400.005 – Interpretation	1
Section 400.010 – Development of Lots	1
Section 400.015 – Obligation of Builders and Developers: Street Maintenance and Repair	2
Section 400.020 – Alteration of Use and Ownership-Conformity with Title.....	2
Section 400.025 – Establishment of Districts, Zoning Map.....	2
Section 400.030 – Elimination of Zoning Districts	3
Section 400.035 – Rezoning and Ordinance Update Reorganization.....	3
Chapter 402 - Definitions	
Section 402.005 – Definitions	4
Chapter 404 – Zoning District Regulations	
Section 404.005 – Residential “A” District.....	10
Section 404.010 – Residential “AA” District.....	12
Section 404.015 – Residential “B” District	13
Section 404.020 – Residential “D” District.....	14
Section 404.025 – Residential “E” District	15
Section 404.030 – Residential “F” District	16
Section 404.035 – Commercial “C-1” District.....	17
Section 404.040 – Commercial “C-2” District.....	25
Section 404.045 – “C-3” Office Building District	27
Section 404.050 – “PD” Planned Development Districts.....	30
Section 404.055 – Table of Permitted and Conditional Uses.....	41
Chapter 406 – Supplementary Regulations	
Section 406.005 – Intent and Purpose	50
Section 406.010 – General Height and Space Requirements	50
Section 406.015 – Requirements Pertaining to Home Occupations.....	56
Section 406.020 – Requirements Pertaining to Accessory Uses and Structures	57
Section 406.025 – Requirements Relating to Group Homes	58
Section 406.030 – Exterior Lighting	59
Section 406.035 – General Rules Applicable to Commercial Districts.....	59
Section 406.040 – Sale, Display or Storage of Goods and Merchandise in Other than A Completely Enclosed Building	50
Section 406.045 – Special Conditions for Adult Entertainment Establishments and Businesses ..	60
Section 406.050 – Zoning of Annexed Land.....	61
Section 406.055 – Compliance with Other Building and Property Development Requirements...62	62
Chapter 408 – Conditional Uses	
Section 408.005 – Conditional Uses	63
Section 408.010 – Conditional Use Permits - Process	63
Section 408-015 – Conditional Uses – Commercial Districts	65
Section 408.020 – Conditional Uses – Residential Areas	67
Section 408.025 – Conditional Use Permits: Recreational Uses	69

Section 408.030 – Conditional Use Permits: Hospitals and Attendant Medical Office Buildings.....	71
Chapter 410 – Off-Street Parking and Loading	
Section 410.005 – Off-Street Parking Regulations	75
Section 410.010 – Design Requirements.....	75
Section 410.015 – Number of Spaces Required	76
Section 410.020 – Determining Space Requirements	79
Section 410.025 – Off-Street Loading Spaces.....	85
Chapter 412 – Site Plan Review	
Section 412.005 – Site Plan Review.....	86
Section 412.010 – Master Development Plan Goals	86
Section 412.015 – Application and Approval Procedures.....	87
Section 412.020 – Other Provisions Applicable to Site Plan Review Requirements	91
Chapter 414 – Non-Conformities	
Section 414.005 – Definitions	92
Section 414.010 – Occupancy Permits in Certain Cases.....	92
Section 414.015 – Continuation and Discontinuation	92
Section 414.020 – Destruction, Construction and Repair	93
Section 414.025 – Abatement of Nonconformities – Parking Lots.....	93
Chapter 416 – Telecommunication Antenna and Support Structures	
Section 416.005 – Purposes.....	95
Section 416.010 – Definitions	95
Section 416.015 – Permitted Uses.....	96
Section 416.020 – Conditional Uses	97
Section 416.025 – Prohibited Uses.....	98
Section 416.030 – General Conditions	98
Section 416.035 – Co-Use of Locations.....	100
Section 416.040 – Miscellaneous	101
Section 416.045 – Findings for Issuance of Conditional Use Permits	101
Section 416.050 – Determination of Necessity	102
Chapter 418 – Administration, Enforcement, and Fees	
Section 418.005 – Violations	103
Section 418.010 – Enforcement	103
Section 418.015 – Fees.....	103
Chapter 420 – Amendments	
Section 420.005 – Amendments.....	104

CHAPTER 400 – GENERAL PROVISIONS**Section 400.005: - Interpretation**

- A. This Title shall be known as the Zoning and Planning Code.
- B. The following general guides to construction are applicable:
 - 1. The particular controls the general.
 - 2. Text controls caption and illustration.
 - 3. Present tense includes future tense, singular includes plural and plural singular and masculine includes feminine, except where context requires otherwise.
 - 4. The whole includes the part unless context requires otherwise.
 - 5. "Used for" includes "intended for" or "designed for."
 - 6. "Person" includes individual, or any corporate or unincorporated entity.
 - 7. The provisions of this Title shall be interpreted to carry out purposes, and in particular to promote the public health, safety and welfare, and to eliminate nonconforming uses.
 - 8. In the case of contradictions or overlap between the provisions of this Title and any other ordinance or statute, the most restrictive or highest standard shall control.

Section 400.010: - Development of Lots

- A. These regulations apply to the erection of buildings and other structures on land not subject to the chapter on subdivision of land. (**Appendix B, Chapter 420** of the Code)
- B. Every building shall be located on a lot.
 - 1. Except in planned business centers, a lot shall contain only one main building.
 - 2. Yards and open spaces for each building may not be encroached upon or used to satisfy yard or other space requirements for any other building. No land dedicated for roadway purposes or to be used for public or private street or place may be used to fulfill area requirements.
- C. The building or developer shall be responsible for the maintenance, repair and improvement of streets on which the building or development is to take place. When less than fifty percent of the length of a street between intersecting streets or between an intersection street and the terminus must be improved or repaired, the building or developer shall deposit with the Director of Public Works sufficient funds to complete the required improvements, or a bond to secure the completion of the improvement required.
 - 1. If a bond is executed, its amount, duration and conditions shall be determined according to the provisions of the Chapter on subdivision of land (Chapter 420) relating to completion bonds.

2. If money is deposited, it shall be placed in an interest bearing account until they are required by the City of Des Peres to carry out the improvements.
3. Where neither bond nor deposit has been obtained, the owners of the lots fronting on the street improved shall be assessed for the improvement according to the front foot.
4. Improvements must be initiated by the City of Des Peres when eighty percent of the lots fronting a section of street between two intersections or between an intersection and the terminus of the street contain completed structures.

Section 400.015: - Obligation of Builders and Developers: Street Maintenance and Repair

A builder or developer shall be primarily responsible for the repair and maintenance of all existing streets within the City of Des Peres which are used by that person to transport materials for use in building or developing land. The maintenance and repair shall be carried out at the direction of the Director of Public Works after the building or development to which the transportation of materials relates is completed, or when the damage to the streets is such as to require immediate repair. The building or developer may inspect and list portions of streets in the City of Des Peres in need of repair or maintenance and submit that list to the Director of Public Works before the building or developer begins to use the streets. This list will serve as a basis for credit against the obligation of the developer or builder under this section. No other basis for credit against the obligations under this section on account of preexisting defects or other similar matters shall be allowed.

Section 400.020: - Alteration of Use and Ownership—Conformity with Title

- A. Whenever a building or occupancy permit or any other license, permit or approval is required under this Title, it may be conditioned upon bringing the use of structure involved into conformity with the requirements of this Title.
- B. Whenever, in any commercial zone, a building, occupancy or other permit, license or approval is required under this Title it may be conditioned upon assurances in form, including the requirement of a bond or deposit, approved by the Board of Aldermen that any street upon which the commercial use is situated will be widened along the full length of the lot as it abuts that street, to conform to the provisions of the city's official map. All grades shall conform to the standard section now on file with the City of Des Peres.

Section 400.025: - Establishment of Districts, Zoning Map

- A. In order to carry out the purposes of this Title, there are established districts in which the utilization of land and the utilization and construction of buildings and other structures are regulated. The districts as established and provided for herein are as follows:

Residential Districts - A, AA, B, D, E, F

Commercial Districts - C-1, C-2, C-3

Planned Development Districts - PD-R, PD-C, PD-MXD

- B. Subject to the provisions of this Title relating to nonconforming uses, no building or other structure shall be erected, converted, enlarged, altered or reconstructed, nor shall any building

or other structure or any land be used in any way other than in conformity with the applicable district regulations.

- C. The location and boundaries of districts established by this Title shall be marked on a zoning map which is part of this Title, and all amendments to that map shall be amendments to this Title, and have is much effect as if printed herein.
- D. Whenever a street or other public way is vacated by the City of Des Peres, the zoning districts adjoining each side of that way shall each extend to the center line of that vacated way.

Section 400.030 – Elimination of Zoning Districts

In concert with the reorganization of the Zoning and Planning Code of the City of Des Peres, certain commercial district zoning designations have been eliminated as of the date of adoption of this Ordinance (_____, 2017). These include the following previous district designations:

Commercial “C1-A District;
“C-4” Planned Commercial District; and
“C-5” Special Business District.

Section 400.035 – Rezoning and Ordinance Update and Reorganization

As a result of the update and reorganization of the Zoning and Planning Code rezoning of certain parcels have resulted. Any existing developments or uses of property approved by the City of Des Peres within these districts in accord with the provisions of those districts in effect at the time, including approved conditional use permits and master development plans for such developments, shall remain in full force and effect.

CHAPTER 402 – DEFINITIONS**Section 402.005: - Definitions**

As used in this Title, the following words shall mean:

Accessory structure: A structure located on the same lot as a main or principal structure and detached from the principal structure, or connected to the principal structure by a lightly constructed covered walkway or passage.

Accessory use: A use of land or of a building or a part thereof which is customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use, including a "home occupation.

Ancillary uses: Those uses of property for purposes other than the location of the principal buildings or structures and may include uses for surface parking, driveways, stormwater detention, landscaped areas, fencing or uses of similar characteristics which do not involve through traffic, odoriferous activities, or any other use or activity which may reasonably be anticipated to interfere with the peaceful enjoyment of the property of adjoining landowners.

Ancillary use area: That area designated as being in the C-1 District, which is a portion of any lot located within the C-1 District and is not included within required buffer areas.

Adult bookstore or novelty store: An establishment having either ten (10) percent or more of (1) its stock in trade, in books, photographs, magazines, films for sale or viewing on or off the premises by use of motion picture devices, video players, DVD players, computers or coin operated means, or other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to sex or sexual activity or the principal purpose of which is to sexually stimulate or sexually arouse the patron viewer or reader; or (2) instruments, devices, or paraphernalia that are designed or marketed for use in connection with specified sexual activities.

Adult entertainment business or establishment: Any of the establishments, businesses, buildings, structures or facilities which fit within the definition of adult bookstore, adult entertainment facility, bathhouse, massage parlor, and/or modeling studio.

Adult entertainment facility: Any building, structure or facility which contains or is used entirely or partially for commercial entertainment, including theaters used for presenting live presentations, video tapes, DVDs or films predominantly distinguished or characterized by their principal emphasis on matters depicting, describing, or relating to specified sexual activities, and exotic dance facilities (regardless of whether the theater or facility provides a live presentation, video tape, DVD, or film presentation), where the patrons either: (1) engage in personal contact with, or allow personal contact by employees, devices or equipment, or by personnel provided by the establishment which appeals to the prurient interest of the patrons; or (2) observe any live presentation, video tape, DVD or film presentation of persons wholly or partially nude, unless otherwise prohibited by ordinance, with their genitals or pubic region exposed or covered only with transparent or opaque covering, or in the case of female persons with the areola and nipple of the breast exposed or covered only with transparent or opaque covering or to observe specified sexual activities.

Appendix: The various appendices to the Des Pere Municipal Code (Appendix A – Signs, Appendix B – Subdivision Regulations; and Appendix C – Zoning Regulations).

Assisted living facility: A congregate living facility for elderly residents living in a communal environment in separate units that are not fully independent housing units, which units do not contain separate food preparation or laundry facilities, and where, in return for payment, professional support, personal assistance, health services and personal supervision are provided on site.

Basement: A basement is a story which is partly below grade level.

Bathhouse: An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, unless operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the state.

Buffer areas: Appropriately landscaped, contiguous open areas exclusive of parking and loading areas and similar off-street services and for which a planting and landscape plan has been reviewed by the Planning and Zoning Commission and approved by the Board of Aldermen. Water detention areas may be located within "buffer areas" provided that such detention areas are included as a part of the landscape plan as submitted and approved.

Buildable area: Those interior portions of the lot enclosed within and defined by the front, rear and side setback lines. Buildable areas of a lot may be used for the construction or placement of buildings, structures, parking facilities or ancillary uses as defined in this section.

Building: A building is a structure which is permanently affixed to land and which has one or more floors and a roof. A building does not include such structures as billboards, fences, radio towers or structures with interior surfaces which are not normally used for other than storage. A single building may include parts which are separately used for human purposes of storage.

Check cashing establishment: A business engaged in check-cashing operations for a fee, as a primary or substantial element of its business and which is not licensed by the appropriate State or Federal agency as a banking or savings and loan facility. Said business shall be prohibited in all zoning districts of the City of Des Peres, Missouri.

Code: The Code of ordinances of the City of Des Peres.

Commercial building: Any building which is designed or used for commercial use purposes.

Commercial district: The commercial districts are the C-1, C-2 and C-3 districts. To the extent that property may have been in a C-1A, C-4, or C-5 district prior to the effective date of this ordinance, the property thus zoned is located in a commercial district and any and all provisions of site plans, permitted or conditional uses, and/or master development plans approved by the Board of Aldermen remain in place.

Commercial use: A commercial use is a nonresidential use permitted in a commercial district.

Comprehensive Plan: The plan for future growth and development of the City adopted by the Planning and Zoning Commission in compliance with the provisions of Chapter 89, RS MO, and as may be amended, updated, or replaced from time to time.

Conditional use permit: A permit issued in conjunction with the provisions of Chapter 408 of this Title permitting certain uses within a zoning district subject to special requirements or conditions established by this Title or as may be recommended by the Planning and Zoning Commission and approved by ordinance by the Board of Aldermen.

Cosmetic micro-pigmentation: A method of adding, replacing, or augmenting cosmetic features by the placement of subcutaneous pigmentation by a licensed doctor or nurse.

Drive-in or Drive-Through Establishments: Any business that provides food or other goods and/or services to persons remaining in their vehicles and/or where the vehicles are temporarily stopped in a driveway or lane adjacent to a service window or to a dispensing kiosk. Such uses include, but are not necessarily limited to, restaurants, coffee shops, liquor stores, convenience stores, and banks.

Drug and alcohol use treatment facilities: Residential or outpatient facilities for the treatment of alcohol or other drug abuse permitted in the C-2 Commercial District subject to conditional use permit as set forth in **Chapter 408, Section 408.015** of this Title (not including halfway houses or other incarceration facilities).

Dwelling unit: A dwelling unit is a room or group of rooms intended for use as living quarters by a single family or groups of persons as a common household or by a single person.

Enlarge: To enlarge is to increase the floor area or size of an existing building or other structure, or to increase the area to be taken up by an existing use.

Extend: To extend is to enlarge.

Family: An individual or married couple and the children thereof and no more than two (2) other persons related directly to the individual or married couple by blood or marriage, or a group of not more than three (3) persons excluding servants (not related by blood or marriage) living together as a single nonprofit housekeeping unit in a dwelling unit.

Floor area: When used in connection with nonconforming uses, or with commercial buildings, floor area is the sum of the gross horizontal area of floors of a building, including holes for elevator shafts or stairwells, measured from exterior walls or from the center of party walls. Floor area includes basement area, and area in penthouse or attic floors (whether or not the attic floor is actually laid, and only if the attic affords 7½ ft. or more of headroom). It also includes floor area of interior and exterior balconies and mezzanines, enclosed porches, and terraces, breezeways and porches, the perimeter of which is over 50% enclosed. Accessory building floor space is included, but off-street loading berths are included only to the extent that they exceed 200% of the amount required by this Title. Space used for mechanical equipment and for residential use is also included in "floor area."

Gross leasable floor area shall mean the floor area of a building minus all public lobbies, common mall areas, atriums and courtyards provided solely for pedestrian access to the building from the exterior and/or for aesthetic enhancement or natural lighting purposes; all elevator shafts and stairways; public restrooms; mechanical and dedicated storage rooms; and all permanently designated corridors.

Group home: A group home is a single-family dwelling in which eight (8) or fewer unrelated mentally or physically handicapped persons reside and live together functionally as a single housekeeping unit, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. Group homes shall be a permitted use in all residential zoning districts in the city, subject to compliance with the requirements of **Section 406.025** of this Title.

Home occupation: Any occupation, business, profession, commercial activity, gainful employment, or use which is carried out on property upon which a residence is located subject to the limitations on home occupations as provided for in **Chapter 406, Section 406.015, J** of this Title.

Landscape plan: A plan prepared under the supervision of a landscape architect possessing a professional degree from an ASLA accredited program and clearly setting forth plant materials, planting location, fencing and other pertinent landscaping features and submitted to the Planning and Zoning Commission which shall review its adequacy and appropriateness and which shall have been approved by the Board of Aldermen.

Lot: A lot is a zoning lot. If a lot is at the junction of two or more intersecting streets, it is a corner lot. If a lot is not a corner lot and it adjoins two streets, it is a through lot. If a lot is not a corner lot or a through lot, it is an interior lot (**See Chapter 406, Figure 406.010-A**).

Lot line: A lot line is the boundary line of a zoning lot. A front lot line is a street line. A rear lot line is a line parallel to or within 45° of being parallel to a front lot line. On a through lot, any portion of a lot line which coincides with the rear lot line of an adjoining lot line is a rear lot line. A side lot line is neither a rear nor a front lot line (**See Chapter 406, Figure 406.010-A**).

Lot width: Lot width is the mean horizontal distance between the side lot lines (**See Chapter 406, Figure 406.010-A**).

Massage parlor or shop: An establishment which has a fixed place of business having a source of income or compensation which is derived from the practice of any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulation of external parts of the human body with the hands or with the aid of any mechanical electric apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotion, ointment or other similar preparations commonly used in the practice of massage under such circumstances that is reasonably expected that the person to whom the treatment is provided or some person on his or her behalf will pay money or give any other consideration or gratuity; provided that this term shall not include any establishment defined in this Code or operated or supervised by a medical or chiropractic practitioner or professional physical or massage therapist licensed by the State of Missouri.

Modeling studio: An establishment or business which provides for a fee or compensation the services of modeling on premises for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise. This does not apply to public or private schools in which persons are enrolled in a class.

Municipal Code: The Code of Ordinances of the City of Des Peres

Open space: Open space is a part of a zoning lot which is open and unobstructed from the ground to the sky and is accessible to all occupants of the zoning lot. Open space does not include part of the roof of a building that contains occupied units.

Piercing studio or establishment: Any place or facility where body piercing, including piercing any part of the body or head, is performed as a primary or substantial element of its business. Said business shall be prohibited in all zoning districts of the City of Des Peres, Missouri.

Residence: A residence is a building which includes only one (1) dwelling unit but does not include transient accommodations or trailer camps. Where a building contains both residential and non-residential, such uses are accessory to residential uses.

Restaurant: Any establishment whose principal business is the preparation or sale of food, frozen prepared foods, frozen desserts or beverages for consumption either within the premises or for carry-out to the general public. Provided, however, that an establishment whose principal business is service to the occupants, employees or invitees of the building in which it is located shall not be considered to be a restaurant.

Restaurant - fast food: Any restaurant where more than fifty (50) percent of the food sold is consumed off the premises or a restaurant where a drive-through is offered.

Retail: As used in this chapter, the term retail whether used separately or in conjunction with terms such as retail sales, retail store or similar phrases, when used to describe a category of land use or activity, shall mean offering new consumer goods for sale to the public by a vendor having a retail sales license issued by the State of Missouri and collecting retail sales taxes. The sale or offering of used or previously owned clothing, household goods or consumer goods is not included within the definition of retail and is not a permitted land use in any zoning district in the city.

Setback area: The land area within a lot within which no principal structure or building may be located or constructed.

Setback Line: That line which is parallel to and at the requisite distance from the corresponding lot line and which represents the minimum distance required between the lot line and the location of any building or structure on the lot.

Short-term loan establishment: A business engaged in providing short-term loans to the public as a primary or substantial element of its business and which is not licensed by the appropriate State or Federal agency as a bank or savings and loan facility. Said business shall be prohibited in all zoning districts of the City of Des Peres, Missouri. A licensed pawnbroker operating in conformity with the provision of this City Code relating to pawnbrokers shall not be considered to be a "short-term loan establishment" within the meaning of this definition and prohibition, but only as to such licensee's pawn brokerage activities. Pawnbrokers are not permitted to engage in any short term lending other than by a pawn transaction.

Sight Triangle: A triangular or pie-shaped area at the corner of any lot that has frontage to two or more streets which is to be clear of obstructions to provide driver, pedestrian, and bicyclist visibility to oncoming traffic (See **Chapter 406, Section 406.010**).

Specified sexual activities: Sexual conduct, being actual or simulated, acts of human masturbation; sexual intercourse; or physical contact, in an act of apparent sexual stimulation or gratification, with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.

Story: A story is a part of a building between the surface of a floor and the ceiling. For the purpose of height regulations, a story does not include a basement.

Street: A street is a way shown on the city map, or a way designed or intended for general public use for vehicular or pedestrian traffic from a way shown on the city map, but does not include

a driveway which serves only to give vehicular access to an accessory parking lot or loading area, or which serves only to allow vehicles to take or discharge passengers at the entrance of a building.

Street line: A street line is a lot line which separates a street from other land.

Street wall: A street wall is a wall or portion of a wall of a building facing a street.

Tattooing: Any method of placing designs, letters, scrolls, figures, or symbols upon or under the skin with ink or colors, by the aid of needles or instruments. The provision of cosmetic micro-pigmentation services by a licensed doctor or nurse shall not be considered "tattooing" as that term is used in this chapter.

Tattooing establishment: Any place or facility where tattooing is performed. Said business shall be prohibited in all zoning districts of the City of Des Peres, Missouri.

Trailer: A trailer is a vehicle which is used for dwelling or sleeping purposes, whether mounted on wheels or on rigid supports, and whether or not self-propelled.

Title: Appendix C, Zoning Regulations of the Des Peres Municipal Code

Use: A use includes the purpose for which a building, structure or land area is used or is designed or intended to be used, and any occupation, activity or operation carried on or to be carried on there. A use includes the designation of a building or other structure or space which indicates the purpose for which it is to be used.

Yard: A yard is a portion of a zoning lot extending open and unobstructed along a lot line and from that lot line for the required depth or width. A front yard is a yard extending along the length of the front lot line. A rear yard is a yard extending along the length of the rear lot line. A side yard is a yard extending along a side lot line.

Zoning enforcement officer: The Zoning Enforcement Officer is the Director of Public Works.

CHAPTER 404 – ZONING DISTRICT REGULATIONS**Section 404.005: - Residential "A" District**

- A. The uses permitted by right or conditionally in a residential "A" District are as provided for in **Section 404.055** of this Chapter and as may be further controlled by **Chapter 408, Section 408.020** of this Title.
- B. All development shall conform to the dimensional requirements as set forth below:
1. No lot shall have an area of under forty-three thousand (43,000) square feet, nor a width of less than one hundred fifty (150) feet at its street line, or at the building line on a cul-de-sac.
 2. The front yard shall be at least fifty (50) feet deep.
 3. The side yard shall be not less than twenty (20) feet wide.
 4. The rear yard shall be at least fifty (50) feet deep.
 5. No building shall be erected or altered to exceed two and one-half (2½) stories or thirty-five (35) feet, whichever is less.
 6. No dwelling in this district shall have a main floor area, excluding porch, garage, breezeway, and basement, of less than one thousand five hundred (1,500) square feet.
- C. All development shall conform to the following design standards:
1. Paved driveways consisting of concrete or asphalt pavement, concrete paver blocks, or other hard surface approved by Director of Public Works are required on all new construction.
 2. Exterior finish materials including brick, stone and siding for all buildings, homes, garages and retaining walls shall extend to within one (1) foot of the finished grade it being the intention of the city to minimize the areas of exposed concrete foundation.
 3. No dwelling unit may be constructed after adoption of this section which does not contain a garage subject to the following general conditions:
 - a. No dwelling unit may be constructed after adoption of this section which does not include a garage subject to the following general conditions:
 - 1). Garages may not contain more than one thousand (1,000) square feet in combined gross floor area and must be sized to accommodate a minimum of two (2) and a maximum of four (4) cars.
 - 2). An attached garage may not exceed more than fifty (50) percent of the first floor area of a house nor more than fifty-five (55) percent of the front width of the structure.

- 3). Garages which face a street (front or side) which have more than two (2) parking bays, shall include a minimum set back of no less than one (1) foot from the set-back of the house or the two (2) car garage for parking bays in excess of two (2) bays.

Section 404.010: - Residential "AA" District

- A. The uses permitted by right or conditionally in a residential "AA" District are as provided for in **Section 404.055** of this Chapter and as may be further controlled by **Chapter 408, Section 408.020** of this Title.
- B. All development shall conform to the dimensional requirements as set forth below:
1. No lot shall have an area of under thirty-two thousand (32,000) square feet, nor a width of less than one hundred twenty-five (125) feet at its street line, or at the building line on a cul-de-sac.
 2. The front yard shall be at least fifty (50) feet deep.
 3. The side yard shall be not less than twenty (20) feet wide.
 4. The rear yard shall be at least forty (40) feet deep.
 5. No building shall be erected or altered to exceed two and one-half (2½) stories or thirty-five (35) feet, whichever is less.
 6. No dwelling shall have a main floor area of less than one thousand five hundred (1,500) square feet, excluding basement, breezeway, porch and garage.
- C. All development shall conform to the following design standards:
1. All residences shall be constructed with fifty (50) percent brick or stone veneer exterior, exclusive of windows or doors.
 2. Paved driveways consisting of concrete or asphalt pavement, concrete paver blocks, or other hard surface approved by Director of Public Works are required on all new construction.
 3. Exterior finish materials including brick, stone and siding for all buildings, homes, garages and retaining walls shall extend to within one (1) foot of the finished grade it being the intention of the city to minimize the areas of exposed concrete foundation.
 4. No dwelling unit may be constructed after adoption of this section which does not contain a garage subject to the following general conditions:
 - a. Garages may not contain more than one thousand (1,000) square feet in combined gross floor area and must be sized to accommodate a minimum of two (2) and a maximum of four (4) cars.
 - b. An attached garage may not exceed more than fifty (50) percent of the first floor area of a house nor more than fifty-five (55) percent of the front width of the structure.
 - c. Garages which face a street (front or side) which have more than two (2) parking bays, shall include a minimum set back of no less than one (1) foot from the setback of the house or the two (2) car garage for parking bays in excess of two (2) bays.

Section 404.015: - Residential "B" District

- A. The uses permitted by right or conditionally in a residential "B" District are as provided for in **Section 404.055** of this Chapter and as may be further controlled by **Chapter 408, Section 408.020** of this Title.
- B. All development shall conform to the dimensional requirements as set forth below:
1. No lot shall have an area of less than twenty-one thousand (21,000) square feet nor a width of less than one hundred (100) feet at its street line, or at the building line on a cul-de-sac.
 2. The front yard shall be at least forty (40) feet deep.
 3. The side yard shall be at least ten (10) feet wide.
 4. The rear yard shall be at least forty (40) feet deep.
 5. No building shall be erected or altered to exceed two and one-half (2½) stories or thirty-five (35) feet, whichever is less.
 6. No dwelling shall have a main floor area of less than one thousand five hundred (1,500) square feet, excluding basement, breezeway, porch and garage.
- C. All development shall conform to the following design standards:
1. Paved driveways consisting of concrete or asphalt pavement, concrete paver blocks, or other hard surface approved by Director of Public Works are required on all new construction.
 2. Exterior finish materials including brick, stone and siding for all homes, garages and retaining walls shall extend to within one (1) foot of the finished grade it being the intention of the city to minimize the areas of exposed concrete foundation.
 3. No dwelling unit may be constructed after adoption of this section which does not contain a garage subject to the following general conditions:
 - a. Garages may not contain more than one thousand (1,000) square feet in combined gross floor area and must be sized to accommodate a minimum of two (2) and a maximum of four (4) cars.
 - b. An attached garage may not exceed more than fifty (50) percent of the first floor area of a house nor more than fifty-five (55) percent of the front width of the structure.
 - c. Garages which face a street (front or side) which have more than two (2) parking bays, shall include a minimum set back of no less than one (1) foot from the setback of the house or the two (2) car garage for parking bays in excess of two (2) bays.

Section 404.020: - Residential "D" District

- A. The uses permitted by right or conditionally in a residential "D" District are as provided for in **Section 404.055** of this Chapter and as may be further controlled by **Chapter 408, Section 408.020** of this Title.
- B. All development shall conform to the dimensional requirements as set forth below:
1. No lot shall have an area of less than fifteen thousand (15,000) square feet nor a width less than one hundred (100) feet frontage at the street line or, at a cul-de-sac, the building line.
 2. The front yard shall be at least thirty-five (35) feet deep.
 3. The side yard shall be at least ten (10) feet wide.
 4. The rear yard shall be at least forty (40) feet deep.
 5. No building shall be erected or altered to exceed two and one-half (2½) stories or thirty-five (35) feet, whichever is less.
 6. No dwelling shall have a main floor area of less than one thousand (1,000) square feet, excluding basement, breezeway, porch and garage.
- C. All development shall conform to the following design standards:
1. Paved driveways consisting of concrete or asphalt pavement, concrete paver blocks, or other hard surface approved by Director of Public Works are required on all new construction.
 2. Exterior finish materials including brick, stone and siding for all buildings, homes, garages and retaining walls shall extend to within one (1) foot of the finished grade it being the intention of the city to minimize the areas of exposed concrete foundation.
 3. No dwelling unit may be constructed after adoption of this section which does not contain a garage subject to the following general conditions:
 - a. Garages may not contain more than one thousand (1,000) square feet in combined gross floor area and must be sized to accommodate a minimum of two (2) and a maximum of four (4) cars.
 - b. An attached garage may not exceed more than fifty (50) percent of the first floor area of a house nor more than fifty-five (55) percent of the front width of the structure.
 - c. Garages which face a street (front or side) which have more than two (2) parking bays, shall include a minimum set back of no less than one (1) foot from the setback of the house or the two (2) car garage for parking bays in excess of two (2) bays.

Section 404.025: - Residential "E" District

- A. The uses permitted by right or conditionally in a residential "E" District are as provided for in **Section 404.055** of this Chapter and as may be further controlled by **Chapter 408, Section 408.020** of this Title.
- B. All development shall conform to the dimensional requirements as set forth below:
1. No lot shall have an area of less than ten thousand (10,000) square feet nor a width less than seventy-five (75) feet frontage at its street line or at the building line on a cul-de-sac.
 2. The front yard shall be at least thirty (30) feet deep.
 3. The side yard shall be at least ten (10) feet wide.
 4. The rear yard shall be at least thirty (30) feet deep.
 5. No building shall be erected or altered to exceed two and one-half (2½) stories or thirty-five (35) feet, whichever is less.
 6. No dwelling shall have a main floor area of less than one thousand (1,000) square feet, excluding basement, breezeway, porch and garage.
- C. All development shall conform to the following design standards:
1. Paved driveways consisting of concrete or asphalt pavement, concrete paver blocks, or other hard surface approved by Director of Public Works are required on all new construction.
 2. Exterior finish materials including brick, stone and siding for all homes, garages and retaining walls shall extend to within one (1) foot of the finished grade it being the intention of the city to minimize the areas of exposed concrete foundation.
 3. No dwelling unit may be constructed after adoption of this section which does not contain a garage subject to the following general conditions:
 - a. Garages may not contain more than one thousand (1,000) square feet in combined gross floor area and must be sized to accommodate a minimum of two (2) and a maximum of four (4) cars.
 - b. An attached garage may not exceed more than fifty (50) percent of the first floor area of a house nor more than fifty-five (55) percent of the front width of the structure.
 - c. Garages which face a street (front or side) which have more than two (2) parking bays, shall include a minimum set back of no less than one (1) foot from the setback of the house or the two (2) car garage for parking bays in excess of two (2) bays.

Section 404.030: - Residential "F" District

- A. The uses permitted by right or conditionally in a residential "E" District are as provided for in **Section 404.055** of this Chapter and as may be further controlled by **Chapter 408, Section 408.020** of this Title.
- B. All development shall conform to the dimensional requirements as set forth below:
1. No lot shall have an area of less than nine thousand (9,000) square feet nor less than a width of seventy-five (75) feet frontage at the street line or at the building line, or at a cul-de-sac.
 2. The front yard shall be at least twenty-five (25) feet deep.
 3. The side yard shall be at least eight (8) feet wide.
 4. The rear yard shall be at least thirty (30) feet deep.
 5. No building shall be erected or altered to exceed two and one-half (2½) stories or thirty-five (35) feet, whichever is less.
 6. No dwelling shall have a main floor area of less than one thousand (1,000) square feet, excluding basement, breezeway, porch and garage.
- C. All development shall conform to the following design standards:
1. Paved driveways consisting of concrete or asphalt pavement, concrete paver blocks, or other hard surface approved by Director of Public Works are required on all new construction.
 2. Exterior finish materials including brick, stone and siding for all homes, garages and retaining walls shall extend to within one (1) foot of the finished grade it being the intention of the city to minimize the areas of exposed concrete foundation.
 3. No dwelling unit may be constructed after adoption of this section which does not contain a garage subject to the following general conditions:
 - a. Garages may not contain more than one thousand (1,000) square feet in combined gross floor area and must be sized to accommodate a minimum of two (2) and a maximum of four (4) cars.
 - b. An attached garage may not exceed more than fifty (50) percent of the first floor area of a house nor more than fifty-five (55) percent of the front width of the structure.
 - c. Garages which face a street (front or side) which have more than two (2) parking bays, shall include a minimum set back of no less than one (1) foot from the setback of the house or the two (2) car garage for parking bays in excess of two (2) bays.

Section 404.035: - Commercial "C-1" District

A. The uses permitted in a “C-1” Commercial District are as provided for in **Section 404.055** of this Chapter; however, property located in this district may be used for the permitted uses set forth in **Section 404.055** only if said property fronts directly on Manchester Road and then only if said frontage is a minimum length of one hundred fifty (150) feet. Accessory uses to permitted uses are allowed subject to the provisions of **Chapter 406, Section 406.020** of this Title.

B. Subject to the conditions, restrictions and qualifications set forth in **Chapter 408, Section 408.015** of this Title, the following uses may also be permitted in this District:

1. Establishments for the sale of retail goods to the public with a gross floor area in excess of five thousand (5,000) square feet;
2. Restaurants, banquet facilities and cafeterias which:
 - a. by design of physical facilities or by service or packaging procedures do not encourage the purchase of prepared ready-to-eat food intended for consumption off the premises; and
 - b. which do not have any facility for delivery of food products to persons in automobiles; and
 - c. for which the sale of alcoholic beverages accounts for less than fifty (50) percent of gross income; and

Any restaurant or other such facility with a license to sell beer, wine, or liquor by the drink shall also be subject to the prohibitions under the provisions of **Section 4-11 of Chapter 4** of the Municipal Code

3. Gasoline sales stations and such accessory uses as may be permitted by a conditional use permit issued for such facilities; provided, however, that due to the traffic-intensive nature of gasoline sales stations, such facilities may only be located on property which:
 - a. has a minimum of one and two-tenths (1.2) acres in total lot area; and
 - b. retains no less than forty (40) percent of the total lot area for landscaped greenspace and/or buffer; and
 - c. does not adjoin any property not zoned for commercial use; and
 - d. in addition to the required frontage on Manchester Road, the property also has frontage on and direct access to and from a major collector street, as defined in **Section 420.010(B) of Appendix B, Subdivision Regulations**, of the Municipal Code.
4. Assisted living center licensed by the State of Missouri, provided that:
 - a. The site is a minimum of four (4) acres in size; and

- b. The development contains a minimum of fifty (50) units, but shall not have a density in excess of twenty (20) units per acre; and
- c. The primary building shall not be located within two hundred (200) feet of any single-family residence in place at the time of construction; and
- d. The site may not be reasonably used for permitted retail commercial uses due to access or topographical limitations.

As to assisted living centers and skilled nursing facilities only, and only in the C-1 district, if the Board of Aldermen finds and determines that a proposed facility offers substantial public benefit and provides alternative measures so as to fit harmoniously with surrounding land uses, the board may, in its sole discretion, grant a waiver or variation to the side and/or rear setback, and/or landscaping, and/or buffer requirements otherwise applicable to the site to the extent specified in the ordinance granting a conditional use permit for such facility, and only to such extent.

8. Skilled nursing facilities licensed by the State of Missouri provided that:
 - a. The site is a minimum of four (4) acres; and
 - b. The development contains a minimum of fifty (50) units but shall not have a density in excess of twenty- five (25) units per acre;
 - c. The primary building shall not be located within two hundred (200) feet of the nearest single family residence in place at time of construction; and
 - d. The site may not be reasonably expected to be developed for permitted retail or office uses due to access, topography or other size limitations.
 - e. At all times, the operator shall maintain a valid license from the State of Missouri for operation of a skilled nursing facility.

For purposes of this section, the term "units" shall be defined as a room used for housing patients containing no more than two (2) beds.

- C. Any person owning an enterprise engaged in a use for which a conditional use permit is required under the terms of subsection **B** of this section, which use was in full operation as of the date of adoption of any ordinance designating the location of such enterprise to be in a "C-1" District, shall be granted a conditional use permit for such use as hereinafter provided.
 1. Application for a conditional use permit shall be made to the Planning and Zoning Commission in form and with such information as may be required by the Planning and Zoning Commission. The application shall be accompanied by plans showing the elevations and intensity and extent of the existing use. Such application must be submitted within one (1) year of the date of adoption of any Ordinance designating the location of such enterprise to be in a "C-1" District.
 2. Each application and accompanying plans shall be filed with the Director of Public Works. No filing fee will be required for this application.

3. Upon receipt of the completed application the Director of Public Works shall notify the applicant in writing by First Class U.S. Mail, postage prepaid, of the date upon which the matter will be considered by the Planning and Zoning Commission.
 4. The Planning and Zoning Commission shall investigate the nature and extent of the existing use and may receive evidence on such subjects. Upon the conclusion of such hearing, the Planning and Zoning Commission shall state findings and conclusions on the following matters for the public record:
 - a. The exact nature of the existing use;
 - b. The gross square footage of space devoted to the use in question as of the date of the passage of the Ordinance placing such facility in the "C-1" District.
 5. Upon making such findings, a permit stating the nature and extent of the use permitted, shall be issued forthwith. Thereafter, such use may be continued as a conditional use only to the extent described in the findings described above. Any expansion or alteration of the use subsequent to the issuance of the permit described in this subsection shall require that the applicant request the issuance of a new conditional use permit under the terms of **Chapter 408, Section 408.015** of this Code.
 6. Any use eligible for an automatic conditional use permit as provided in this subsection, but for which no such application has been made within one year after the adoption of any Ordinance designating the property containing such use in the "C-1" District, shall be subject to the requirements of **Chapter 414** of this Title concerning nonconformities.
- D. Qualifications and limitations on the permitted uses:
1. All lots in this District must adjoin Manchester Road (MO Route 100) for a minimum distance of one hundred and fifty (150) feet.
 2. No use is allowed in the district which allows over an aggregate of five percent of its total floor space, or 2,000 square feet of floor space of one or a group of concessionaires, licensees, leased departments, demonstrators or permitted users. However, this does not prohibit the lease or transfer of a leasehold interest in a portion of a building which is completely and permanently separated from the remaining portion of the building.
 3. The total number of liquor stores or other establishments whose primary merchandise is wine, beer, or liquor, other than taverns, bars, restaurants, grocery or warehouse club stores which sell liquor by the drink, shall not exceed one for every [every] 1,000 residents of the City.
 4. The sale, display or storage of goods and merchandise in other than a completely enclosed building shall be permitted only upon issuance of a conditional use permit.
 - a. Application for the permit shall be made in writing in form and with such information as is required by the Board of Aldermen.
 - b. Within sixty (60) days of receipt of said application, the Board of Aldermen shall hold a public hearing and shall determine whether the outside storage will:

- 1) Adversely affect the character of the area,
 - 2) Substantially increase fire hazards,
 - 3) Create a nuisance,
 - 4) Adversely affect vehicular or pedestrian traffic, or
 - 5) Create additional burdens upon the government of the City.
- c. If the Board of Aldermen does not find that any of the objections under subparagraph b. of this paragraph are sustained, it shall issue the permit. Otherwise, the permit must be denied.
- d. Once granted, the permit shall be reviewed annually by the staff for any noncompliance, and those in compliance shall remain in effect until revoked by the Board of Aldermen. If revoked, the owner of the premises shall have ten (10) days to remove said outside storage.
5. The buildable area and buffer requirements applicable to lots within the C-1 District shall be determined in accord with the following provisions.
- a. No building or structure may be erected or constructed within the C-1 District except within the buildable area of a lot. The buildable area of a lot shall [be] determined by the setback lines applicable to the property as hereinafter set forth.
 - b. All buffer areas shall be depicted on a landscape plan subject to review by the Planning and Zoning Commission and approval of the Board of Aldermen as herein after set forth.
 - c. Approved buffer areas shall be subject to inspection by the City of Des Peres and maintained in a healthy state of growth and replaced where necessary by the property owner(s).
 - d. The following setback and buffer requirements shall be applicable to the property; provided, however, that whenever property adjoins a public right of way other than Manchester Road (State Route 100), a minimum setback of forty (40) feet from the right of way line and a buffer of not less than ten (10) feet in depth shall be required alongside such right of way, any other provisions hereinafter notwithstanding:
 - 1). The front setback line shall be a line parallel to and sixty (60) feet distant from the nearest right of way line of Manchester Road (State Route 100).
 - (a). The front setback area shall be all areas between the front lot line and the front setback line across the full width of the lot.
 - (b). At the front of lots, a buffer area of not less than ten (10) feet in depth shall be provided parallel to the front property line, exclusive of any right of way.
 - 2). The rear setback line shall be a line parallel to the rear lot line.

- 3). The rear setback area shall be all areas between the rear lot line and the rear setback line across the full width of the lot.
 - 4). At the rear of lots a buffer area of not less than twenty-five (25) feet in depth shall be provided across the full extent of the lot.
 - 5). The side setback lines shall be twenty-five (25) feet in depth and parallel to side lot line, except where any side lot line adjoins a residential district, in which case the side setback lines shall be fifty (50) feet in depth and parallel to the side lot lines closer to the center of the lot than are those portions of the side lot lines adjoining such a residential district.
 - 6). The side setback areas shall be all areas between the side lot lines and the side setback lines throughout the full depth of the lot.
 - 7). At the sides of lots, a buffer area of not less than five (5) feet in width shall be provided along the full depth of the lot, except where a side lot line adjoins a residential district, in which case a buffer area of not less than twenty-five (25) feet shall be provided.
 - 8). All required twenty-five (25) foot buffers at the rear of lots and all required twenty-five (25) foot buffers at the sides of lots adjoining a residential district shall contain evergreen and deciduous plant material as specified by the Department of Public Works. Evergreen plant material shall consist of trees of a minimum height of sixteen (16) to twenty (20) feet, planted ten (10) feet on center in a double staggered row. The staggered rows shall be eight to ten feet on center.
 - 9). The first row of evergreens shall be planted within eight (8) to twelve (12) feet of the corresponding property line. The area under the evergreen trees shall be covered with a minimum of three (3) inches of wood mulch. A minimum ratio of two (2) three-inch-caliper shade trees or three (3) two-inch-caliper trees, grouped ornamentals as specified by the Department of Public Works, shall be planted within the remaining landscaped buffer adjacent to the commercial structure for each fifty (50) linear feet of side and rear property. Additional understory and ground cover material shall be placed, where necessary, to screen and reduce the visible portion of rear and side building walls from adjacent residential property. Berms shall not exceed a maximum of four (4) feet in height nor have a slope greater than three (3) to one (1).
 - 10) Where possible, natural slope conditions and existing plant materials which may serve in lieu of required plantings should be preserved and retained. Landscaped buffers shall not have regraded slopes that are greater than three (3) to one (1).
6. The following plant materials are approved for use in landscaped buffers:
- a. Evergreen Trees: Abies Species (Canadian Hemlock); Picea Species (Spruce species); Pinus Nigra (Austrian Pine); and Tsuga Canadensis (Douglas Fir).
 - b. Overstory Deciduous Trees: Acer Species (Maple species); Quercus Species (Oak species); and Tilia Species (Linden species).

- c. Ornamental Deciduous Trees: Amelanchier Arbores (Service Berry); Cerus Canadensis (Red Bud); Cornus Florida (Flowering Dogwood); Koelreuteria Paniculata (Golden Raintree); and Malus Species (Flowering Crab).
7. Fencing shall be provided where requested by adjacent residential property owners or if required for safety purposes.
- E. All development shall conform to the dimensional requirements as set forth below:
1. No lot shall have a width of less than one hundred fifty feet.
 2. The depth of the front yard shall be forty (40) feet from the right-of-way line of any street other than Manchester Road, and sixty (60) feet from the right-of-way line of Manchester Road.
 3. The side yard shall be at least twenty feet.
 4. The rear yard shall be at least fifty feet.
 5. No building shall be erected or altered to exceed thirty-five (35) feet in height.
 6. The maximum gross floor area of all buildings shall be fifteen thousand (15,000) square feet per acre of total lot area, except that the Board of Aldermen, after review by the Planning and Zoning Commission, may permit an increase of gross floor area per acre to a maximum of sixteen thousand five hundred (16,500) square feet when it finds that significant public benefit(s) directed toward alleviating the burden on public services incurred by such development are provided.
- F. All development shall conform to the requirements of **Chapter 406, Section 406.035** and the following design standards:
1. Buffer areas shall be provided for each commercially-used lot in addition to side and rear yard requirements.
 2. At the rear of lots fronting to Manchester Road and not in excess of 250 feet in depth at the longest side dimension, a buffer area shall be provided at least 25 feet in depth from the rear lot line.
 3. At the side of lots, a buffer area shall be provided at least fifteen feet wide wherever the lot adjoins a residential use. Otherwise, the buffer area shall be five feet wide at the side of lots.
 4. All buffer areas shall be the subject of a landscape plan, setting forth ample screening and fencing between commercial and residential property, which plan shall be submitted by the developer to the Planning and Zoning Commission for their approval. The question of ample screening and fencing shall be determined solely by the Planning and Zoning Commission after review and study of the plan submitted. The buffer areas shall be maintained in a healthy state of growth and replaced where necessary by the owners of the property.

5. Fencing shall be provided and maintained in accord with applicable fencing regulations adopted by the Planning and Zoning Commission pursuant to applicable provisions of this Title or other provisions of the Code.
 6. All buffer areas shall be kept free of trash and other debris of any kind.
 7. Buffer areas may be broken by traffic lanes between shared parking areas.
- G. All development in this district shall be subject to site plan review incorporating a master development plan as provided for in **Chapter 412** of this Title.
- H. Any person owning an enterprise engaged in a use for which a conditional use permit is required under the terms of this section, which use was in full operation as of the date of adoption of any ordinance designating the location of such enterprise to be in a "C-1" District, shall be granted a conditional use permit for such use as hereinafter provided.
1. Application for a conditional use permit shall be made to the Planning and Zoning Commission in form and with such information as may be required by the Planning and Zoning Commission. The application shall be accompanied by plans showing the elevations and intensity and extent of the existing use. Such application must be submitted within one (1) year of the date of adoption of any Ordinance designating the location of such enterprise to be in a "C-1" District.
 2. Each application and accompanying plans shall be filed with the Director of Public Works. No filing fee will be required for this application.
 3. Upon receipt of the completed application the Director of Public Works shall notify the applicant in writing by First Class U.S. Mail, postage prepaid, of the date upon which the matter will be considered by the Planning and Zoning Commission.
 4. The Planning and Zoning Commission shall investigate the nature and extent of the existing use and may receive evidence on such subjects. Upon the conclusion of such hearing, the Planning and Zoning Commission shall state findings and conclusions on the following matters for the public record:
 - a. The exact nature of the existing use;
 - b. The gross square footage of space devoted to the use in question as of the date of the passage of the Ordinance placing such facility in the "C-1" District.
 5. Upon making such findings, a permit stating the nature and extent of the use permitted, shall be issued forthwith. Thereafter, such use may be continued as a conditional use only to the extent described in the findings described above. Any expansion or alteration of the use subsequent to the issuance of the permit described in this subsection shall require that the applicant request the issuance of a new conditional use permit under the terms of **Chapter 408** of this Title.
 6. Any use eligible for an automatic conditional use permit as provided in this subsection, but for which no such application has been made within one year after the adoption of any Ordinance designating the property containing such use in the "C-1" District, shall be subject to the requirements of **Chapter 414** of this Title concerning nonconformities.

I. Height and Area Regulations.

1. No building shall be erected or altered to exceed a height of thirty-five (35) feet. This height limitation shall also apply to Planned Commercial or Planned Mixed-Use Developments proposed for rezoning within this District, subject to the requirements of **Section 404.050** of this Chapter and any exception that may be granted as part of the site plan review and master development plan process associated with the requirements of **Chapter 412** of this Title.
2. The maximum gross floor area of all buildings shall be 15,000 square feet per acre of total lot area, except that the Board of Aldermen, after review by the Planning and Zoning Commission, may permit an increase of gross floor area per acre to a maximum of 16,500 square feet where it finds that significant public benefit(s) directed toward alleviating the burden on public services incurred by such development are provided.

- J. Ancillary uses. Those portions of any lot located between required buffer areas and designated setback lines may be utilized for ancillary uses as defined in this section if such ancillary uses are reflected on the Master Development Plan approved for the property.

Section 404.040: - Commercial "C-2" District

- A. The uses permitted in a “C-2” Commercial District are as provided for in **Section 404.055** of this Chapter only if said property fronts directly on Manchester Road. Subject to the foregoing, only the following uses are permitted in this district
1. Adult entertainment business or establishment subject to the definitions of such business as contained in **Chapter 402** of this Code and subject to the requirements of **Chapter 406, Section 406.045**.
 2. Establishments for the retail sale of food at which no alcoholic beverages are sold and which: (a) are located completely within a single multitenant building; (b) are less than one thousand (1,000) square feet in total floor area; (c) contain seating for no more than ten (10) patrons; (d) have no customer access directly to the exterior of the building; and (e) have no signs on the exterior of the building or premises. Establishments satisfying the criteria specified herein shall not come within the definition of "restaurant" as used in **Section 404.035** of this Chapter and shall not be required to obtain a conditional use permit pursuant to that section.
- B. Qualifications and limitations on permitted uses:
1. Uses permitted in commercial "C-1" districts are permitted in the “C-2” district and therefore in this district, the qualifications and limitations set forth in **Section 404.030, Chapter 406, Section 406.035** and **Chapter 408, Section 408.015** apply here.
 2. No use other than a planned business center shall be permitted in this district unless approval has been granted with regard to the specific use by the Planning and Zoning Commission.
 - a. No approval shall be granted unless an application therefore [therefor] has been filed with the Planning and Zoning Commission in form and including such information as is required by the Planning and Zoning Commission.
 - b. Within sixty days after the submission of a complete application to the Planning and Zoning Commission, the Commission shall not grant its approval of the use unless it finds that:
 - 1) The use will not substantially and adversely affect the character of the neighborhood around it or on which it borders; and
 - 2) The use will not be of a quality below that of neighboring uses in any substantial way; and
 - 3) There is reasonable certainty that the use will continue neither to have a substantial and adverse effect on the character of the neighborhood around it or on which it borders, nor depart from its high quality.
 - c. If the Planning and Zoning Commission makes no determination within sixty days from the day on which the complete application has been submitted to it, and if the

delay has not been consented to, caused or contributed to by the applicant, the approval shall be deemed granted on the day after the end of the sixty days.

- d. If the Planning and Zoning Commission grants or denies approval under this section, it shall state its findings and conclusions and make them part of its official minutes.
3. Planned business centers in the Commercial "C-2" District shall contain at least twenty-five (25) acres of ground and may include all of the uses permitted in this district. Parking and common facilities shall be under unified control.
- C. No lot shall have a width of under one thousand feet.
 - D. The depth of the front yard shall be at least one hundred seventy-five (175) feet from the center line of the facing street.
 - E. The side yard shall be at least fifty (50) feet wide.
 - F. The rear yard shall be at least seventy-five (75) feet deep.
 - G. No building other than in a planned business center shall be erected or altered to exceed three stories or thirty-five (35) feet, whichever is higher.
 - H. Except in a planned business center, floor area of no more than thirty (30) square feet shall be had for every one hundred (100) square feet of lot area.
 - I. Buffer areas shall be provided for each commercially used lot and for each area used as a planned business center in addition to side and rear yard requirements.
 1. At the-rear of the lot or area, a buffer area of at least seventy-five (75) feet in width.
 2. At the side of the lot or area, wherever it adjoins a residential use, at least fifteen (15) feet of buffer area in width.
 3. Buffer areas are to be planted as required by the Planning and Zoning Commission, and the planting is to be maintained and when necessary, replaced by the owner or owners of the property.
 4. Fencing shall be provided where requested by adjacent residential property owners or if required for safety purposes.
 5. Buffer areas are to be kept free of trash and debris.

The regulations contained in this section shall be in addition to any and all regulations contained elsewhere in the Municipal Code or the Zoning Regulations.

Section 404.045: - "C-3" Office Building District

In this district, the following regulations shall apply:

A. Use regulations

The C-3 District is a planned district intended for office campus use. The approval of a Master Development Plan as hereinafter provided shall serve to establish the specific permitted uses and structures for a subject site within the general parameters of the regulations hereinafter set forth. Review and approval of a Master Development Plan is a rezoning of the subject property within the legislative discretion of the Board of Aldermen by ordinance. Only the following uses are permitted in this district:

1. Commercial office buildings for use only as general office space for business uses as specified in **Section 404.055** of this Chapter, including approved ancillary uses also specified in **Section 404.045, 2** below and **Chapter 406, Section 406.020** operated in conjunction with the primary office uses including such uses such as cafeteria or other internal food service, training facilities and auditoria, and retail uses or service businesses operated as a convenience to the employees of the office buildings therein but not including retail or wholesale sales or service outlets intended to serve the general public. This category of zoning shall not be available to any property except that property lying within the intensive commercial and office building use area in the city and that area is herewith defined and designated as the area between Ballas Road on the east, Manchester Road on the south, Interstate 270 on the west and Nicholas Lane on the north. This category of zoning shall not be available on any property in use as a part of the "C-2" commercial category.
2. Parking structures, but only as an ancillary use to the main office development. Anything to the contrary notwithstanding, parking structures in the C-3 District shall not be subject to the requirements of **Section 406.020** of this Code regarding accessory structures if they are shown on, and constructed in accord with, a Master Development Plan approved pursuant to this Section.

B. Height and area regulations

1. The maximum density of development on a lot shall not exceed forty-three thousand five hundred (43,500) square foot of gross building area per acre of land, excluding exterior balconies, basements and parking structures.
2. No lot shall have a frontage of less than one thousand (1,000) feet along Manchester Road.
3. The maximum height of buildings and parking structures shall be:
 - a. One hundred twenty-five (125) feet for office buildings constructed prior to 2007.
 - b. Ninety-eight (98) feet for office buildings constructed after 2007.
 - c. Thirty-six (36) feet for parking structures.
4. The minimum yard depth and building setbacks shall be:
 - a. One hundred (100) feet from the centerline of Manchester Road.

- b. Fifty (50) feet from the edge of right-of-way of Ballas Road.
- c. Fifty (50) feet from the edge of right-of-way of Nicholas Lane.
- d. Ten (10) feet from the edge of right-of-way of JJ Kelley Memorial Drive.

C. Parking, loading and special regulations

Off street parking, loading operations, sign location, design and other regulations shall be as follows:

- 1. Notwithstanding the parking space requirements of any other sections of this code, (a) the parking space requirement for the "C-3" Office Building District shall be one parking space for every three hundred and fifty (350) square feet of gross floor area of the building, (b) minimum aisle width shall be twenty-two (22) feet and (c) parking space size shall be not less than nine (9) feet by nineteen (19) feet.
- 2. Loading requirements in the "C-3" Office Building District shall be approved by the Planning and Zoning Commission.
- 3. Further parking, sign and other special regulations shall be provided in accordance with the requirements set forth in **Chapter 410** of this Title.

D. Sanitary Sewers

All commercial property shall be provided with satisfactory disposal of sanitary sewage. All sanitary sewers, sanitary sewer connections, sewage treatment plants and similar sanitary installations shall be designed, constructed, supervised, and approved in accordance with the regulations of the St. Louis County Health Department and the Metropolitan St. Louis Sewer District and the Director of Public Works of the City of Des Peres.

E. Buffer Areas

In a "C-3" Office Building District, a buffer area of a minimum of fifty (50) feet must be provided at the rear of lots on which there is commenced any lawful office building use. A buffer area of fifteen (15) feet must be provided on the sides of all lots, regardless of depth of commercial zoning, on which there is commenced any lawful office building use, at all points where such office building use adjoins land in residential use. Buffer areas shall be planted with the approval of the Planning and Zoning Commission. Plant material shall be maintained in a healthy state of growth and replaced where necessary by the owner of the property. In addition, fencing of a minimum height of six (6) feet shall be provided where adjoining a residential property. All buffer areas shall be maintained in a manner to be kept free of paper, trash and other loose particles.

F. Procedures

- 1. No development or structure may be developed nor any permit of any kind issued with regard to that development or structure or any building on it, until the Board of Aldermen has approved a master development plan in accordance with the provisions of **Chapter 412** of this Title.

2. Application for approval of a master development plan shall be made to the Planning and Zoning Commission in such form and with such information as required by **Chapter 412** of this Title.
3. Each application and accompanying plans shall be filed with the City Clerk with a filing fee established by the City in accord with the provisions of **Chapter 418, Section 418.015** of this Title and submitted as per **Chapter 420, Section 420.015** of this Title.
4. Upon receipt of a completion application and filing fee, the City Clerk shall notify in writing by first class mail, postage prepaid, the owners of all property located within an area determined by drawing lines parallel to the boundaries of the property included in said site plan and two hundred (200) feet from those boundaries. Such notice shall include a statement that the application was filed, the nature of the proposed use, the name of the applicant(s) and the date upon which such application is to be presented to the Planning and Zoning Commission.
5. The Planning and Zoning Commission shall investigate the effect of the granting of the permit upon the public health, safety and welfare of the community and shall make a report to the Board of Aldermen within one hundred (100) days of the date of the date of the next regular meeting of the Planning and Zoning Commission following the filing of the application with the City Clerk. If no such report is made, the Planning and Zoning Commission shall be deemed to have approved the application. Provided, however, with the written consent of the applicant, the Planning and Zoning Commission may extend the one hundred-day period.
6. Upon receipt of the report of the Planning and Zoning Commission, or upon the expiration of the one hundred-day period or the extensions thereof, the Board of Aldermen shall conduct a public hearing with a minimum of fifteen (15) days' notice of the time and place of that hearing in a newspaper of general circulation in the city.
7. After said hearing, if the Board of Aldermen determines that the public health, safety and welfare are adequately served and protected it may approve the Master Development Plan as submitted or with such changes or revisions, if any, as the board may deem appropriate.

Section 404.050 – “PD” Planned Development Districts**A. Intent and purpose**

The purpose of the Planned Development Districts is to provide a means of achieving greater flexibility in development of land in a manner not always possible in conventional zoning districts; to encourage a more imaginative and innovative design of land development; and to promote a more desirable community environment.

The Board of Aldermen, upon recommendation by the Planning and Zoning Commission, may, by an ordinance adopted in the same manner as a rezoning is approved, authorize a Planned Development district when the proposed development or use of a specific tract of land or area warrants greater flexibility, control and density than is afforded under the general regulations of standard zoning districts. These Planned Development regulations are not intended to allow excessive densities, or the development of incompatible land uses, either within the development, or as the development relates to the general neighborhood. The Board of Aldermen may, upon proper application, approve a Planned Development to facilitate the use of flexible techniques of land development and site design, by providing relief from conventional zoning standards in order to achieve one or more of the following objectives:

1. Site planning that better adapts to site conditions and its relation to surrounding properties that would not otherwise be possible or would be inhibited under the district regulations applicable to the property;
2. Functional and beneficial uses of open space areas;
3. Preservation of natural features of a development site;
4. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program;
5. Rational and economical in relation to public utilities and services;
6. Efficient and effective traffic circulation, both within and adjacent to the development site.

B. Relationship of planned development districts to zoning map**1. A Mapped District:**

The PD designation is not intended to be attached to existing zoning districts as an overlay. The PD designation, as detailed in this section, is a separate use district and may be attached to a parcel of land through the process of rezoning and zoning map amendment.

2. Plan Approval Required:

It is the intent of this ordinance that no development or redevelopment of the property encompassed by the PD designation take place until an acceptable development plan has been reviewed and approved in conformance with the requirements of this Chapter,

Chapter 420, Amendments of this Title, and applicable sections of **Appendix B, Subdivision Regulations**, of the Municipal Code.

3. Existing Approved Development:

Certain developments designated under prior versions of the Zoning Code were designated under zoning district provisions that have since been eliminated but were approved by site plans and/or master development plans adopted by ordinance. As a result of amendments to the Zoning Code, the zoning of some of these developments have been classified under one of the “PD” Planned Development District provisions provided for in this Section. Within these developments, the permitted and conditional uses, and all other provisions of the plans for such developments as approved by ordinance remain in full force and effect. However, changes in uses, building size, and other aspects of any such approved development shall constitute an amendment to the approved plan requiring review and approval under the requirement of this Section and other applicable sections of the Zoning Code existent at the time such changes are sought.

C. Coordination with **Appendix B, Subdivisions Regulations**, of the municipal code

1. When a Planned Development involves any subdivision activity, the subdivision review and approval procedure requirements contained in **Appendix B** of the Municipal Code shall be carried out simultaneously with the review of a Planned Development under this Section of this ordinance. As applicable, reference is made to requirements in **Appendix B** of the Municipal Code within this Section. With regard to these references, said Title may contain the term "plat," which under the PD district requirements is intended to be synonymous with "plan" as appropriate.
2. Since obtaining a PD district designation requires a map amendment (rezoning), the requirements and procedures of **Chapter 420, Amendments**, of this Title shall apply.

D. Types of planned developments

An area approved for the PD designation shall be assigned one of the following district classifications which shall be considered a separate zoning district and subject to the specific restrictions and limitations outlined in this Section.

1. Planned Development - Residential (PD-R): Planned developments involving owner-occupied residential single-family uses only on sites as identified for Planned Residential development in the City’s Comprehensive Plan or on sites with frontage to an arterial roadway.
2. Planned Development - Commercial (PD-C): Planned developments involving retail and office commercial uses only and located along and with frontage to Manchester Road.
3. Planned Development – Mixed Use (PD-MXD): Planned developments involving owner-occupied residential uses and limited commercial uses and only on sites located along and with frontage to Manchester Road.

E. Permitted Uses

The permitted uses for all Planned Development Districts as provided for in (D) above are those as provided for in **Chapter 404, Section 404.050** of this Title.

F. Minimum planned development site size

The minimum site size for any of the Planned Development districts shall be as follows:

PD District	Minimum Site Size in Acres
PD-R	5.0
PD-C	5.0
PD-MXD	10

These minimum site sizes may be waived by the Board of Aldermen upon report by the Planning and Zoning Commission; if it is determined that the use proposed is desirable or necessary in relationship to the surrounding neighborhood; or, if the Board of Aldermen should determine such waiver to be in the general public interest.

G. Density and dimensional regulations and performance standards

1. General Standards:

The approval of the Master Development Plan for such projects may provide for exceptions from the regulations associated with traditional zoning districts as may be necessary or desirable to achieve the objectives of the proposed planned development. No Planned Development shall be allowed which would result in:

- a. Inadequate or unsafe vehicular access to the development;
- b. Peak-hour traffic volumes exceeding the capacity of the adjoining or nearby streets. Capacity shall be based on a street providing "level of service D" as defined in the latest publication of Transportation and Traffic Engineers Handbook, Institute of Transportation Engineers;
- c. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the planned development;
- d. A failure to comply with the standards contained in this Title or other provisions of the municipal code;
- e. Other detrimental impacts on the surrounding area including, but not limited to, visual pollution.

In addition to the above requirements, all planned developments shall be subject to the review criteria established in **Chapter 412** of this Title. It shall be the responsibility of the applicant to clearly establish that the above requirements are met.

2. Other Codes:

All requirements of other codes and ordinances of the City (e.g., Building Code) shall be applicable.

3. Planned Development - Residential (PD-R):

a. Design and Density Requirements:

- (1) The density of any residential development shall begin with the density provided for in the existing district in which the development is proposed but in any event may be not be greater in any PD-R development than that permitted in the Residential “D” District as set forth in **Section 404.025** or as may result from the density calculations permitted by the process outlined below.
- (2) The side or rear yard requirements for the underlying existing residential district are required for any side of the development that abuts another residential district. For example, a planned residential development proposed within an “A” residential district may be approved for density development of the “D” residential district, but the side or rear yard requirements for the underlying “A” district shall apply to the portion of the development abutting any other residential district.
- (3) The density limits as permitted herein may be exceeded on portions of the site within a PD-R district as long as the total site density limit is not exceeded. This is referred to as "density transfer." Additionally, the total site density may be exceeded up to a limit, upon conclusion of the Planning and Zoning Commission and the Board of Aldermen that the density bonus provisions contained in paragraph c below have been satisfied. This is referred to as "density bonus."

b. Calculation of Density:

- (1) The computation of density shall be based on dwelling units per net acre for the entire site.
- (2) To compute the number of dwelling units per net acre, fifteen (15) percent of the gross acreage of the parcel shall be deducted and the net acreage divided by the lowest minimum lot size (Residential “D” district 15,000 square feet). The following provides an example of density calculation for a 10-acre tract in any residential district:

$$10 \text{ acres} \times 43,560 \text{ square feet per acre} = 435,600 \text{ sq. ft.}$$

$$435,600 \text{ sq. ft.} - (435,600 \times 0.15) = 370,260 \text{ sq. ft.}$$

$$370,260 / 15,000 \text{ sq. ft. min. lot size} = 25 \text{ dwelling units}$$

Note that this example does not take into account the side and/or rear yard setbacks requirements of **Section 404.050, 3, a, (2)** above which may reduce the density.

- (3) In situations where a proposed PD-R district overlaps two or more dwelling districts, density shall be calculated separately for the portions of the PD-R district in each of the original residential districts.
- c. **Density Bonus:** The Planning and Zoning Commission may recommend and the Board of Aldermen may approve an increase in density within a PD-R district, up to a maximum of ten (10) percent, which shall be based on the precepts listed below. The density bonuses shall be treated as additives and not compounded.

Maximum Percentage Increase	Design Element
5%	Creative site designs and building groupings, which take advantage of natural terrain and resolve existing on-site and off-site water run-off and erosion problems. The provision of storm drainage retention as a site amenity is encouraged. Variations in building design are permissible.
5%	Creative use of landscape materials and the provision of more extensive landscaping than would otherwise be required under the landscaping requirements found elsewhere in this ordinance.

If density bonuses (increases) are requested under this Section, the applicant shall document all site amenities or improvements for the City's review and consideration.

- d. **Development Phasing:** If the sequence of construction of various portions of the development is to occur in stages, then the open space and/or recreational facilities shall be developed, or legally provided for on a final plat, in reasonable proportion to the number of dwelling units intended to be developed during any given stage of construction as approved on a final plat by the Board of Aldermen. Furthermore, at no time during the construction of the project shall the number of constructed dwelling units per acre of developed land exceed the overall density per net acre established by the approved PD-R district.
- e. **Non-Residential Uses in PD-R Developments:** Non-residential uses are limited to those specifically listed in the dwelling zoning districts. Such non-residential uses shall be subject to all requirements for lot area, width, height, yards and setbacks prescribed in the district in which the proposed PD-R development is located.
- f. **Common Open Space Requirements:**
- (1) Common open space shall comprise at least fifteen (15) percent of the gross area of the residential development or be of a size equivalent to one (1) acre for each 100 persons of expected population of the development, whichever is greater. For purposes of this paragraph, the expected population shall be determined by multiplying the total number of dwelling units times 2.5 persons per dwelling unit.
 - (2) Common open space shall be used for recreational, park or environmental amenity purposes for the collective enjoyment of the occupants of the development.

- (3) In addition to the above open space requirements, the following regulates the use of this common open space in terms of physical surface characteristics, size, location and physical improvements therein.
 - (a) Of the required common open space, up to one-half of it may be covered by water, flood plain, storm water detention/retention facilities or left in a natural state.
 - (b) The area of each parcel of open space shall not be less than six thousand (6,000) square feet in area nor less than thirty (30) feet in its smallest dimension. In addition, at least fifty (50) percent of the common open space shall be contiguous or connected via pedestrian/bicycle paths or sidewalks.
 - (c) To the extent practicable, common open spaces should be distributed equitably throughout the development in relation to the dwelling units which such common open space is intended to serve. The open space shall not be isolated in one corner of a development, but shall be highly accessible (physically and/or visually) to the residents of the development.
- (4) Where common open space is to be provided in a subdivided residential development, the use, operation, and maintenance of areas for common open space, common ground, and common buildings shall be guaranteed by the establishment of a trust indenture providing for such by a subdivision association or trustees. Said indenture shall be approved by the City Attorney prior to recording the indenture simultaneously with the recording of the final plat.

g. Perimeter Buffer Requirements:

- (1) Where a PD-R development proposes residential development along the perimeter of the site, which is higher in density than that of an adjacent dwelling district, there shall be a minimum thirty (30) foot wide buffer area meeting the requirements of the adjacent district. The buffer area shall be kept free of buildings or structures and shall be landscaped or protected by natural features so that all higher-density residential buildings are effectively screened from the abutting lower density residential property.
- (2) Where a PD-R development abuts a commercial or industrial use or district, there shall be a minimum thirty (30) foot wide buffer area meeting the requirements of **Section 404.035, F, 4, d, 8**. This buffer area shall be permanent and landscaped and/or otherwise provided with screening (i.e.; sight proof fencing) so as to effectively screen the commercial or industrial use from the PD-R development.

4. Planned Development - Commercial (PD-C):

- a. Site Coverage: Total site coverage by uses permitted in the PD-C or PD-I districts shall be seventy (70) percent, except as permitted to be exceeded in accordance with paragraph "b" below.

- b. **Site Coverage Bonus:** The Planning and Zoning Commission may recommend and the Board of Aldermen may approve an increase in maximum site coverage from seventy (70) percent up to eighty (80) percent. In order to qualify for this bonus, the development plan must demonstrate compliance with four (4) or more of the following performance criteria:
- (1) Incorporate storm drainage retention facilities as a site amenity.
 - (2) Install storm drainage detention facilities underground.
 - (3) Increasing parking lot landscaping by fifty (50) percent more than otherwise required.
 - (4) Submitting for approval developments on tracts that are five (5) or more acres in size.
 - (5) Design of principal access to the development tract at an approved location that allows for shared access by an adjacent property.
 - (6) Construction of separate-grade pedestrian and bicycle paths.
 - (7) Providing for screened loading areas and screened trash/waste collection areas.
 - (8) Demonstration of a development using innovative architectural, site planning and land use design and of such quality as to set an excellent example for subsequent development or redevelopment projects.
 - (9) Any other performance criteria that further the goals, objectives and policies of the Comprehensive Plan and that, in the opinion of the Planning and Zoning Commission and Board of Aldermen warrant the approval of development bonuses.
- c. **Signage:** Signage shall be in compliance with **Appendix A, "Signs,"** unless the applicant for a PD-C district designation elects to submit a "Comprehensive Sign Plan" in addition to the submission of other required development plan documents. 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 PD district. This ordinance may contain conditions, requirements or standards regarding signs that may be stipulated by the Board of Aldermen. Comprehensive Sign Plans approved under this Section shall be evaluated based upon the following criteria:
- (1) **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. However, no sign shall be placed in any manner that creates sight obstructions for roadway traffic or ingress or egress to and from a property and must comply with the provisions of **Chapter 406, Section 406.010, D.**

- (2) 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.
- (3) 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 **Appendix A, "Signs"** unless otherwise waived by the Board of Aldermen.
- (4) Materials: Sign materials shall be compatible with architectural and/or natural features of the project. 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.

A request for approval for a Comprehensive Sign Plan shall accompany the request for PD-C zoning classification and shall include, but is not limited to, the following:

- (1) A site plan, depicting the proposed plan of development and illustration of proposed sign locations;
 - (2) Descriptions and drawings indicating size, qualities, materials and illumination; and
 - (3) 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.
- d. Perimeter Buffer Requirements: Where a PD-C development abuts a residential district, there shall be a minimum fifty (50) foot buffer area between any non-residential use and the adjacent residential district. This buffer area shall be landscaped in accordance with **Section 404.035, F, 4, d, 8**.
 - e. Minimum Building Setbacks: Building setbacks shall be in accordance with the approved site plan for a PD-C or PD-1 development. Where a commercial or industrial use abuts a dwelling district, the minimum building setbacks established in the district regulations shall apply.

4. Planned Development – Mixed Use

- a. Density: Residential density shall not exceed 18 dwelling units per net acre.

- b. Site Coverage: Total site coverage by uses permitted in the PD-MXD district shall not exceed seventy (70) percent, except as permitted to be exceeded in accordance with **Section 404.050, G, paragraph “4, b”**.
 - c. Signage: (see **Section 404.050, G, “4, c”**)
 - d. Perimeter Buffer Requirements:
 - (1) When the residential portion of the development is along the perimeter of the site and is higher in density than that of an adjacent dwelling district, there shall be a minimum thirty (30) foot wide buffer area in accordance with the requirements of **Section 404.035, F, 4, d, 8**). The buffer area shall be kept free of buildings or structures and shall be landscaped or protected by natural features so that all higher-density residential buildings are effectively screened from the abutting lower density residential property.
 - (2) When commercial development abuts a dwelling district, there shall be a minimum fifty (50) foot buffer area between the commercial use and the adjacent dwelling district. This buffer area shall be landscaped in accordance with **Section 404.035, F, 4, d, 8**).
- H. Other Development Regulations Applicable to PD Districts in this Title or the Municipal Code:
- 1. Chapter 406, Supplementary Regulations.
 - 2. Chapter 410, Off-Street Parking and Loading Requirements.
 - 3. Appendix A, Signs, of the Municipal Code.
 - 4. Appendix B, Subdivision Regulations of the Municipal Code
- I. Dedication and Reservation of Land
- Whenever a Planned Development embraces all or any part of an arterial street, collector street, drainage way or other public way which has been designated in the adopted Comprehensive Plan or other official plans of the City of Des Peres, sufficient land shall be dedicated or reserved on the development plan for said public improvements in a manner similar to that required of all subdivisions as specified in **Chapter 410, "Subdivision Regulations,"** Des Peres Municipal Code.
- J. Site Plan Review and Master Development Plan
- All Planned Development projects are subject to site plan review and approval of a master development plan as required under the provisions of **Chapter 412** of this Title.
- K. Effect of Approval of Master Development Plan and Period of Validity
- 1. All conditions imposed as a part of any Planned Development shall run with the land and shall not lapse or be waived as a result of a subsequent change in ownership of any or all of said area.

2. Approval of the master development plan shall be valid for a period of two (2) years from the date of Board of Aldermen approval. If the development approved by the master development plan has not been initiated for all or a geographic portion of the plan designated as a phase of the development, then a resubmission of the master development plan shall be required if the applicant intends to construct the development as originally approved. The Board of Aldermen, upon recommendation from the Planning and Zoning Commission, may grant up to a one (1) year extension, from the date that the period of validity expired. The Board of Aldermen may reject such resubmission of the same development plan in light of new facts and circumstances relating to the development plan.
3. In no case shall a building permit be issued prior to master development plan approval.
4. At such time the period of validity has expired, the Planning and Zoning Commission resolution approving the master development plan shall become null and void. The Board of Aldermen may initiate proceedings to rezone the property to its original or other appropriate zoning district, in accordance with the procedures and requirements of **Chapter 420** of this Title.

L. Recording of Master Development Plan

After the final development plan (and subdivision plat, if applicable), and other associated documents have been approved by the Board of Aldermen, the applicant shall record the final development plan in accordance with provisions of **Chapter 412, Section 412.015, J** of this Title.

M. Amendments to the Master Development Plan

1. Minor Changes:

Minor changes in the location, siting and height of buildings and structures may be authorized by the Director of Public Works if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this section shall cause any of the following:

- a. a change in the use or character of the development;
- b. an increase in building or site coverage;
- c. an increase in the intensity of use (e.g., number of dwelling units);
- d. an increase in vehicular traffic generation or significant changes in traffic access and circulation;
- e. a reduction in approved open space or required buffer areas; or
- f. a change in the record plat of any subdivision involved with the Planned Development.

2. Plan Amendments:

All proposed changes in use, or rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and changes which would cause any of the situations listed under paragraph 1 above shall be subject to approval by the Board of Aldermen. In such event, the applicant shall file a revised development plan and be subject to the requirements of this Section as if it were an entirely new application.

Section 404.055: - Table of Permitted and Conditional Uses

A. Intent and Purpose

The intent and purpose of this section is to provide in a consolidate location a listing of the land uses permitted by right and conditionally permitted with the zoning districts established in Sections 404.010 through 404.055 of this Chapter.

B. Permitted and Special Uses by District

The land uses permitted by right or subject to the **Conditional Use Regulations of Chapter 408** of this Code within each district as set forth in this Chapter, Sections 404.010 through 404.055 above are listed in the **Des Peres Zoning District Land Use Table** that follows in this Section.

C. Determination of Uses Not Listed

1. If a particular land use is being requested by a property owner for development within a particular district and that use is not listed in the Table, then the North American Industry Classification System (NAICS) is intended to be the determining source for identifying the type of use by referring to the sub-sector data from the NAICS listing to make such determination. This procedure is provided in order to establish a recognized system of identification of land uses by both general and specific type, and to provide a way in which to determine the category or use type that a particular land use is within, the City of Des Peres.

The NAICS was jointly developed by the United State Office of Management and Budget through its Economic Classification Policy Committee and The Instituto Nacional de Estadistica y Geografia of Mexico and Statistics Canada. The most recent version of the NAICS is from 2012. However, as the nature of land uses change, this system is updated from time to time and therefore subject to change. The most recent published version of the NAICS will be the determining source for the purposes of this Section of the Zoning Code. However, the ultimate determination of the permission of a use by right or by conditional use permit will ultimately be controlled by the provisions of this Title and other related Chapters of the Municipal Code that may apply.

SECTION 404.055 - PERMITTED & CONDITIONAL USES LISTING BY ZONING DISTRICT												
P = Permitted Use		P* = Use is permitted subject to stipulations. See District regulation for details.										
C = Conditional Use		C* = Use is conditional and subject to additional stipulations and requirements related to the specific use. See District regulations for details and reference to requirements of other Chapters of this code.										
LAND USE TYPE	A	AA	B	D	E	F	C-1	C-2	C-3	PD-R	PD-C	PD-MXD
AGRICULTURAL												
Nurseries and greenhouses	C*						C*	C*				

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LAND USE TYPE	A	AA	B	D	E	F	C-1	C-2	C-3	PD-R	PD-C	PD-MXD
RESIDENTIAL												
Dwelling, single-family attached										P		P
Dwelling, single-family detached	P	P	P	P	P	P				P		
Group homes (subject to the provisions of Chapter 406, Section 406.025)	P*	P*	P*	P*	P*	P*						
Home occupations (as defined in Chapter 402 of this Title and subject to the provisions of Chapter 406, Sections 406.015 and 406.020)	P*	P*		P*	P*	P*						
Nursing home							C			P	P	P
Retirement home							C			P	P	P
COMMERCIAL												
Abstracting & title services							P		P		P	P
Accounting & bookkeeping services							P		P		P	P
Adult businesses - various businesses (as defined in Chapter 402 of this Title and subject to the provisions of Chapter 406, Section 406.045 and Chapter 408)							C*	C*				
Advertising services, direct mail							P		P		P	
Advertising services, general							P		P		P	P
Alterations, pressing & garment repair services							P				P	P
Animal hospital services							C					
Antiques (retail)							P	P			P	P
Apparel & accessories (retail)							P	P			P	P
Appliances & Electronics Stores (retail)							C	C			P	P
Appliance repair services							C	C			P	P
Architectural, engineering & planning professional services									P		P	P
Art galleries retailing art											P	P
Automobile dealers (new & used vehicles)							P				P	P
Automobile, truck, & equipment rental services							C*	C*			P	P

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LAND USE TYPE	A	AA	B	D	E	F	C-1	C-2	C-3	PD-R	PD-C	PD-MXD
Automobile tires, parts, accessories & supplies (retail)							P				P	P
Automobile wash & detailing services							P				P	P
Bakeries (retail)							P	P			P	P
Banking and investment services							C	C	P		P	P
Barber services							P	P	P		P	P
Beauty services							P	P	P		P	P
Bicycles (retail)							P				P	P
Billiard parlors							C	C				
Blueprinting & photocopying services							P		P		P	P
Books & magazines (retail)							P	P	P		P	P
Bowling							P				P	P
Building materials (retail)							P				P	
Business & management consulting services							P		P		P	P
Business associations							P		P		P	P
Cameras & photographic supplies (retail)							P	P			P	P
Candy, nut & confectionery (retail)							P		P		P	P
China, glassware & metalware (retail)							P	P			P	P
Chiropractors, optometrists, & other similar health services							P				P	P
Cigarettes & cigars (retail)							P	P	P		P	P
Clock, watch & jewelry repair services							P	P			P	P
Commodity & security brokers, dealers & exchanges & services							P		P		P	P
Convenience stores							P				P	P
Convenience stores (with gasoline sales)							C				P	P
Corporate offices, training facilities, & related uses							P		P			
Credit reporting, adjustment & collection services									P		P	P

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LAND USE TYPE	A	AA	B	D	E	F	C-1	C-2	C-3	PD-R	PD-C	PD-MXD
Credit unions & agricultural, business & personal credit service							P		P		P	P
Crematory, funeral & mortuary services							P				P	P
Curtains, draperies & upholstery (retail)							P				P	P
Dairy products (retail)							P	P			P	P
Dental laboratory services							P				P	P
Dental services							P				P	P
Department stores (retail)							P	P			P	P
Detective & protective services							P				P	P
Direct selling organizations (retail)											P	P
Discount & variety stores (retail)							P	P			P	P
Drive-in or Drive-through establishment (various businesses) (see Chapter 408, Section 408.015)							C				P*	P*
Drug Stores (retail)							P	P			P	P
Dry cleaning & laundering, self service							P				P	P
Dry goods & general merchandise (retail)							P	P			P	P
Duplicating, mailing & stenographic services							P		P		P	P
Educational & scientific research services									P		P	P
Electrical motors & equipment maintenance & repair												
Electrical supplies (retail)											P	P
Employment services							P		P		P	P
Fish & seafood (retail)							P					
Floor coverings (retail)							P	P			P	P
Florists (retail)							P	P			P	P
Furniture (retail)							P	P			P	P
Furniture repair & re-upholstery services							P				P	P
Fur repair & storage services							P				P	P
Furriers & fur apparel (retail)							P	P			P	P

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LAND USE TYPE	A	AA	B	D	E	F	C-1	C-2	C-3	PD-R	PD-C	PD-MXD
Garden supplies & landscape nursery (retail)							P	P			P	P
Gasoline service stations (retail)							C	C			P	P
General stores (retail)							P	P			P	P
Gifts, novelties & souvenirs (retail)							P	P			P	P
Glass, paint & wallpaper (retail)							P	P			P	P
Grocery stores and supermarkets (retail)							C	C			P	P
Hardware (retail)							P	P			P	P
Health & exercise spas							P	P			P	P
Hearing aids, optical goods, orthopedic appliances & other similar devices (retail)							P	P			P	P
Hobby supplies (retail)							P	P	P		P	P
Holding & investment services									P		P	P
Home occupations (see definition Chapter 402, Chapter 406, Section 406.015)	P*	P*	P*	P*	P*	P*						
Ice cream & frozen desserts (retail)							P	P	P		P	P
Insurance agents & brokers services									P		P	P
Insurance carriers									P		P	P
Jewelry (retail)							P	P			P	P
Landscape nursery & garden supplies (retail)							P	P			P	P
Lapidary work							P	P			P	P
Legal services									P		P	P
Light repair shops for garden equipment or small home appliances							C	C				
Liquor (retail)							P	P			P	P
Locksmith services							P				P	P
Magazines & newspapers (retail)									P		P	P
Mail order houses (retail)							P	P			P	P
Massage services (therapeutic)							C	C	C		P	P
Meats--retail							P				P	P

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LAND USE TYPE	A	AA	B	D	E	F	C-1	C-2	C-3	PD-R	PD-C	PD-MXD
Medical clinics, out-patient services	C						C				P	P
Medical laboratory services	C						C		P		P	P
Mortuaries & Funeral Homes							C	C			P	P
Musical instruments & supplies (retail)							P	P			P	P
News syndicate services												
Periodicals, publishing & printing							P		P		P	
Pets & pet grooming services							P				P	P
Photofinishing services							P				P	P
Physician's services	C						C				P	P
Real estate agents, brokers & management services offices							P				P	P
Research, development & testing services									P		P	P
Restaurants, cafeterias, & catering establishments (except drive-in type establishments serving customers in parked vehicles)							C	C	P*		P	P
Restaurants (with drive-thru service)							C*	C*			P	P
Savings & loan associations							P				P	P
Schools, barber							C				P	P
Schools, beauty							C				P	P
Schools, business							C				P	P
Schools, computer							C				P	P
Schools, correspondence							C				P	P
Schools, dancing							C				P	P
Schools, driving							C				P	P
Schools, music							C				P	P
Schools, nursery & day care centers (not owned and operated by public or church entities)							C*	C*				
Schools, professional							C	C			P	P
Schools, stenographic							C	C			P	P

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LAND USE TYPE	A	AA	B	D	E	F	C-1	C-2	C-3	PD-R	PD-C	PD-MXD
Schools, trade							C	C			P	P
Shoe repair, shoe shining & hat cleaning services							P				P	P
Shoes (retail)							P	P				
Sporting goods (retail)							P	P			P	P
Stationery (retail)							P	P			P	P
Tailoring (custom)							P	P			P	P
Taverns & Bars with food service							C	C			P	P
Telephone business office							P				P	P
Telephone exchange stations							P	P				
Television broadcasting studios							P					
Theaters, motion picture, indoor							C	C			P	P
Travel arranging services							P	P			P	P
Veterinarian services and clinics (not including kennels)							P					
INSTITUTIONAL												
Churches, synagogues & temples	P	P	P	P	P	P	P	P		P	P	P
Convents	C	C	C	C	C	C	C	C		P		
Hospitals & outpatient clinics,	C						C				P	
Labor unions & similar labor organizations							P				P	
Outpatient facilities for the treatment of alcohol and drug abuse, and similar uses, excluding penal institutions (conditionally permitted in conjunction with hospital facilities)	C*											
PUBLIC & SEMI-PUBLIC												
Art galleries & museums (public)							P				P	
Auditoriums (associated with public or private schools or corporate office buildings)	P	P	P	P	P	P	P	P	P		P	
Automobile parking garages or lots (associated with a particular use and without a fee charge)							P	P	P		P	P
Cemeteries	P	P	P	P	P	P	P	P		P	P	P

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LAND USE TYPE	A	AA	B	D	E	F	C-1	C-2	C-3	PD-R	PD-C	PD-MXD
Civic, social & fraternal associations and private clubs	P						P	P		P	P	
Day care centers / Nursery Schools (not associated with public or private schools)							P				P	
Electricity regulating substations	P	P	P	P	P	P	P	P	P	P	P	P
Fire protection & related activities				P			P	P		P	P	P
Libraries							P	P			P	P
Municipally (City)-owned or operated facilities	P*	P*	P*	P*	P*	P*	P	P		P	P	P
Museums		P		P	P	P	P	P		P	P	P
Public buildings or facilities erected and used by a department of the County, State, or Federal governments							P	P			P	P
Public works operations and maintenance facilities (owned and operated by the City)	P*											
Public utility facilities owned by a State or Federally-regulated utility									P		P	P
Radio, television, satellite, & microwave transmitting and receiving stations, antennae, & towers	P*	P*	P*	P*	P*	P*	C	C	C	C	C	C
Schools, art							P	P			P	P
Schools, colleges												
Schools, elementary, Grades K-6	P	P	P	P	P	P				P	P	P
Schools, junior colleges							P				P	
Schools, kindergarten/primary	P	P	P	P	P	P				P		P
Schools, post-secondary not to include universities, colleges, junior colleges, professional schools & special training schools	P	P	P	P	P	P	P				P	P
Schools, secondary, Grades 7-12	P	P	P	P	P	P	C	C			P	P
Schools, technical							P	P				
Schools, universities							P	P			P	P
Schools, vocational							P	C				
Social correctional, treatment & counseling services							C	P			P	

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LAND USE TYPE	A	AA	B	D	E	F	C-1	C-2	C-3	PD-R	PD-C	PD-MXD
Theaters, legitimate							C	C			P	
Water storage (operated by public utilities)							C					
Wireless communication facilities and support structures	P*	P*	P*	P*	P*	P*	C	C	C	C	C	C
RECREATION												
Athletic field or playfields (associated with public or private schools and City parks)	P	P	P	P	P	P	P	P		P	P	P
Community centers (municipally-owned)				P*								
Fitness centers (commercially-operated)							P	P			P	P
Golf courses & country clubs	P											
Gymnasium, soccer, & other athletic clubs (not ancillary to schools, colleges, or universities)							P	P			P	P
Ice skating rinks, indoor							P	P			P	P
Miniature golf courses							P				P	
Parks and playgrounds, public	P	P	P	P	P	P				P		P
Penny arcades, game stores, other arcade-type entertainment							P	P			P	
Recreation centers (not publically-owned)							P	P			P	
Swimming clubs (not associated with country clubs or subdivision facilities)							P	P		P	P	P
Tennis & soccer clubs							P	P		P	P	P

CHAPTER 406 – SUPPLEMENTARY REGULATIONS**Section 406.005 – Intent and Purpose**

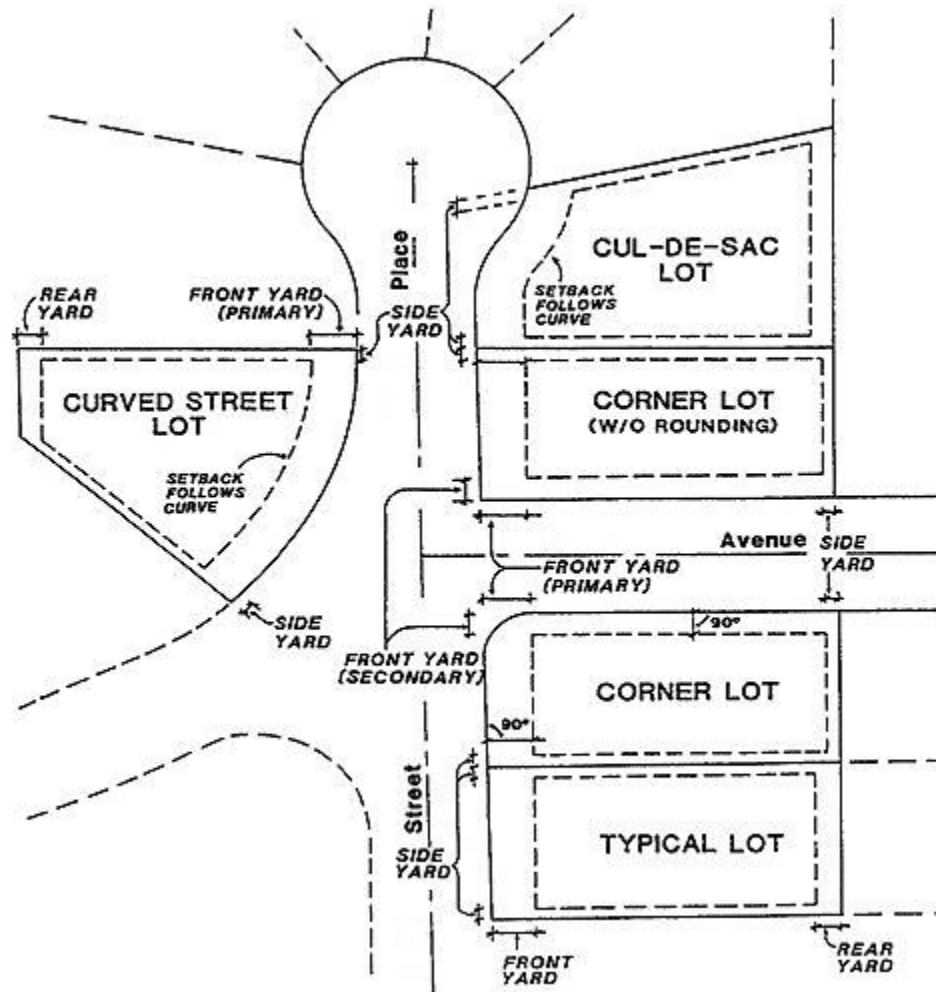
The regulations as provided for in this Chapter supplement and qualify regulations contained elsewhere in this Title. Unless otherwise stated, the regulations hereafter established shall apply as specified to the zoning districts and development therein established by this Title.

Section 406.010: - General Height and Space Requirements

- A. Building height shall be measured as the vertical distance from the finished grade to the highest point of the structure. "Finished Grade" at any point on a lot is determined based on existing corner point elevations, taking into consideration significant variations relative to adjacent properties. In cases where there is significant variation in elevations between adjacent properties at corner points, the point of measurement shall be established based on the elevation at the nearest public improvement or an alternative point within 3 horizontal feet which, based on supporting evidence, represents existing unaltered grade. In the absence of supporting documentation, the corner point elevation shall be established at 1/2 the difference between the adjacent elevation and the elevation on the property in question. The determination of grade shall be made by Director of Public Works, based on all available evidence, and any disputes shall be referred to the Planning and Zoning Commission. For lots with convex contours (where the ground level arches upward along a property line) the "grade" of a lot may be based on a detailed topographical survey along the property line with spot elevations called out at a minimum of two (2) foot intervals." In general, maximum height runs parallel to the slope of the ground. Where any question about height exists, a height survey performed by a licensed surveyor or civil engineer will be required. Height regulations shall be subject to the following provisions:
1. Single-family dwellings may be increased in height by not more than ten (10) feet when the side and rear yards are both increased over applicable requirements by at least ten (10) feet. No dwelling may exceed three (3) stories in height.
 2. Public buildings, hospitals, schools and other institutional buildings may be erected to a height not exceeding sixty-five (65) feet and houses of worship may be erected to a height not exceeding seventy-five (75) feet, if the building is set back from each yard line at least one (1) foot for every foot of height additional to the height limits applicable to the district.
 3. Flagpoles, not to exceed thirty-five (35) feet in height, may be erected in any Commercial District provided that not more than three (3) flagpoles are erected on any single lot. In Residential Districts, no more than one (1) flagpole, per lot, may be erected to a height not to exceed twenty-five (25) feet.
- B. Television and radio towers, church spires, belfries, monuments, tanks, stage towers, scenery lofts, cooling towers, ornamental towers, chimneys, elevator bulkheads, stacks [and] conveyors may be erected to a height permitted by the Planning and Zoning Commission after careful review. The Planning and Zoning Commission must take into account the effect of the structure on the privacy, quiet and other environmental features of the neighborhood. The Planning and Zoning Commission may also prohibit unsafe and poorly constructed structures of the type listed in this subsection.

- C. Yard, setback, and open space regulations as referenced elsewhere in this Title shall be subject to interpretation based on the defined areas as shown in **Figure 406.010-A** as shown below and shall be subject to the provisions as follow **Figure 406.010-A**:

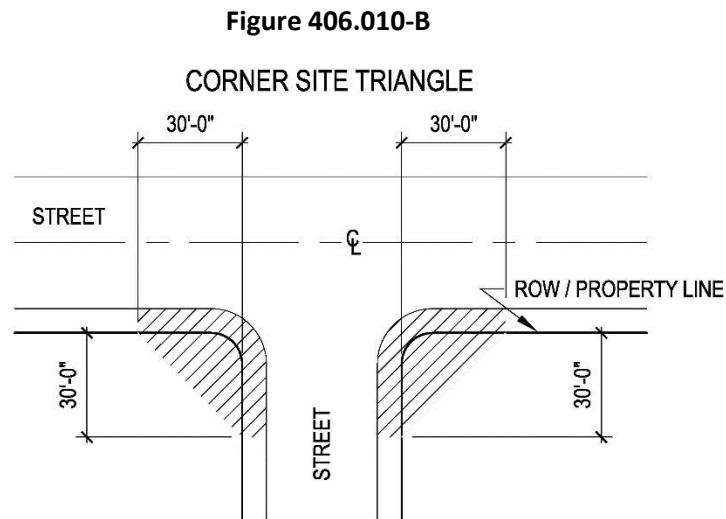
Figure 406.010-A
Lot Types, Setback, and Yard Areas



1. Whenever the term "rear yard", "side yard" or "front yard" is used, the meaning shall be limited as follows:
 - a. On all corner lots, at least the required front yard shall be provided facing each street.
 - b. On corner lots, the rear yard is the yard opposite the yard onto which the main entrance of the building opens. The main entrance is presumed to open upon the yard which is at the street on which the main building has its postal address.
 - c. On all commercial property fronting on Manchester Road, the rear yard and rear buffer area requirements shall always apply to the portion of the property opposite that portion

which fronts on Manchester Road. If such commercial property is bounded by additional streets or other ways, front yard requirements shall apply to all portions of the lot facing each street or way other than the portion which is opposite that portion which fronts on Manchester Road.

2. An open, covered or uncovered porch or paved terrace may project into a required front yard for a distance of up to ten (10) feet provided that it maintains a front yard setback of at least twenty (20) feet.
 3. A porte-cochere or canopy, unenclosed on any side, may project into a required side yard, but not less than five (5) feet from the lot line.
- D. On any corner lot within any zoning district within the City, a sight triangle area as depicted in **Figure 406.10-B** below is required to be provided to allow for safe vehicular, pedestrian, and bicyclist vision of approaching traffic. This area shall be free of signs, fences, trees, shrubbery or other plant material (greater than 36 inches in height). The area depicted in **Figure 406.10-B** is intended to depict a general requirement. The actual dimensions of the site triangle, its orientation to the street right-of-way, and the types of plant material to be allowed shall be subject to review by the Director of Public Works who shall approve the specifically required sight triangle area based on the character of the streets at the intersection, the topography conditions of the lot, and other factors that may affect the safety of the intersection.



- E. Fences erected on residential lots and in commercially zoned districts after the effective date of this section shall be subject to the following provisions:
1. Decorative and/or sight-proof fences not more than six (6) feet in height may be located only within rear or side yards.
 2. Decorative fences not more than thirty-six (36) inches in height may be located within any front yard and the side-street yard of any corner lot. Such fences must be at least one (1) foot behind the sidewalk or the street right-of-way, whichever is farther from the street. Provided, however, when such fence is required by the building code due to the height or

location of retaining walls, such fences may be constructed to the minimum height mandated by the building code. Fences constructed within any front yard must be of the open variety and may not be sight-proof. Typical fence examples are shown in **Figures 406.010-C and 406.010-D** below.

Figure 406.010-C
Examples of Fence Types

Examples of Decorative and/or Sight Proof Fences – Not to Exceed a Height of Six (6) Feet



Figure 406.010-D
Examples of Fence Types

Examples of Decorative Fences – Not to Exceed a Height of Three (3) Feet



- On corner lots, fences of any type may not be located in front of the building lines along the side street in order to preserve a sight triangle as required by **Section 406.010, D** above. See **Figure 406.010-E** below.

Figure 406.010-E
Permitted Fence Areas



- All new or replacement fences shall be constructed with cross-framing and other structural support which would comprise the “back” of a fence to face within or toward the area to be enclosed. This standard is intended to apply to typical wood fencing panels and is not applicable to aluminum, steel, wrought iron, or vinyl fencing systems where the structural

components are part of the post and panel system or to “board on board” wooden fencing where the vertical boards alternate to the front and back side of the horizontal cross members.

5. No new fences shall be constructed of materials such as chicken coop wire, barbed wire, or bamboo and chain link fencing is not permitted in residential areas.
6. All fences shall be kept in good repair and, if of a type other than chain link or similar non-rusting material, shall be properly painted or preserved.
7. Any person who desires to erect a fence on a residential lot within the city shall file an application for a fence permit with the Department of Public Works. Such application shall contain information concerning the proposed dimensions and location of such fence, and the materials from which it is to be constructed. If the proposed fence appears to conform to the provisions of this section, the Department of Public Works shall issue a permit. The application fee shall be as established by the City in accord with the provisions of **Chapter 418, Section 418.015** of this Title.
8. It shall be the duty of the Director of Public Works to enforce the provisions of this section. Whenever the Director of Public Works determines that a person is violating the provisions of this section, he shall give notice of such alleged violation which shall:
 - a. Be in writing;
 - b. Be served upon the person, his agent, or a member of his immediate family personally, or delivered by registered or certified mail to his last known address;
 - c. Contain a statement of the reason why it is being issued;
 - d. Contain a statement concerning what action should be taken to effect compliance with this section; and
 - e. Allow a reasonable time for the performance of any act necessary to effect compliance.
8. When a person subject to the provisions of this section can show that the strict application of the terms hereof will substantially impair the reasonable use and enjoyment of property, such person may apply for an exception to the provisions of this section by filing a written application with the Planning and Zoning Commission. The Planning and Zoning Commission, or a standing committee thereof as designated by the commission shall conduct a hearing on said application after written notice is sent to the owners of all property abutting the property upon which the fence is sought to be erected by first class mail.

The Planning and Zoning Commission, or the designated committee thereof, may consider and allow exceptions from the strict application of this section if such exceptions are in harmony with the purpose and intent of this section, and if they will not be injurious to the surrounding property or otherwise detrimental to the public welfare, taking into account the location of the property, the permitted uses of the property and nearby properties, the prevailing traffic conditions on adjoining roadways and in the vicinity, and the configuration of the property and improvements thereon.

In granting an exception, the Planning and Zoning Commission or the designated committee may attach such conditions as they deem necessary relating to location, design and landscaping to mitigate the impact of the fence exception on the adjoining property or general neighborhood.

9. Any person who violates the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

Section 406.015: - Requirements Pertaining to Home Occupations

Home occupations shall be permitted as an accessory use to a residential use in any zoning district. However, in order to promote peace, quiet and freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential areas, all home occupations must meet the following restrictions:

- A. The use must be clearly incidental and secondary to the use of the premises for dwelling purposes.
- B. The home occupation must be carried on wholly within the main building on the lot and may not involve the use of any accessory structure.
- C. The home occupation must be pursued by one (1) or more members of the family who reside on the premises and no more than one (1) nonresident of the principle structure on the premises may be employed on the premises; if the home occupation employs persons to work at other locations the property upon which the home occupation is located may not be used as an assembly point for any employees who may work at other sites.
- D. No sign, name plate or other on-premises advertising may be displayed and no obvious indication of a business being conducted may be allowed.
- E. The home occupation must not involve storage of hazardous or construction materials of a nature or extent other than normally used for purely domestic or household purposes, nor the display of products or materials or similar showroom activities, and no exterior identification of the home occupation or identifiable variation from the residential character of the main building or accessory building will be allowed.
- F. No more than two (2) customers, patrons, students or callers of any kind may be on the premises at any given time.
- G. No equipment may be used which would not normally be used for purely domestic or household purposes or which would create offensive noise, vibration, smoke, dust, odor, heat, or glare.
- H. No more than twenty (20) percent of the gross floor area of the main building on the premises may be used in association with any home occupation.
- I. No commercial vehicle shall be parked or stored other than in an enclosed garage.

- J. No home occupation shall be permitted if it includes the conducting of a tearoom or restaurant, rest home, clinic, doctor or dentist office, tourist home (or other type of transient accommodation), real estate office, construction business (other than managerial, administrative, consulting or similar office activities, to the extent otherwise allowed by this section), metal or auto repair shop, or any activities involving the presence of more than two (2) customers or clients at the facility at any given time or fostering noise or traffic on and near the property.

Section 406.020: - Requirements Pertaining to Accessory Uses and Structures

Where otherwise allowed by the applicable regulations for the zoning district in which the property is located, accessory structures may be installed and accessory land uses may be undertaken only if the structure and or use is: (a) customarily found in conjunction with the principal use of the lot; (b) is a reasonably necessary incident to the primary use; (c) is clearly subordinate, both in nature and size, to the primary use; and (d) serves only to further the successful utilization of the primary use. Subject to these limitations accessory uses and structures must be in compliance with the following requirements:

- A. All home occupations must comply with the requirements of **Section 406.015**.
- B. Accessory structures, including decks and swimming pools, shall not in total occupy an area equivalent to more than forty (40) percent of the main floor area of the principal building on the lot, and in no case shall occupy more than thirty (30) percent of the required rear yard of the lot. Such structures shall also be subject to the following limitations:
1. An open, uncovered deck or porch may project into the required rear yard setback for a distance of up to ten (10) feet.
 2. Accessory structures may not be greater in height than the height of the main structure or twenty (20) feet in height, whichever is less.
 3. No accessory structure may be located, erected or installed:
 - a. In any required front yard, including additional front yard areas required for corner lots and certain commercial property pursuant to **Section 406.010, C, 1**; nor
 - b. Be between a line parallel to the side of the building which contains the main entrance, as defined in **Section 406.010, C, 1, b** and the street line which that entrance faces; nor
 - c. Closer than six (6) feet to any lot line; nor
 - d. Closer than ten (10) feet to the main structure on the lot.
- C. Accessory structures may not be used for business or home occupation purposes, nor for any activities which create noise greater in volume or duration than that normally occurring in a residential area, noxious odors, smoke or other particulate matter or atmospheric pollution, electrical or communication interference, or other readily identifiable hazards to neighboring properties.
- D. No accessory structures containing two hundred fifty (250) square feet of floor area or more may be constructed, erected or installed without a conditional accessory structure permit issued by the Planning and Zoning Commission following review for compliance with the following standards:

1. Such accessory structures must be located only in the rear of the lot and set back from rear and side lot lines the same distance as the required side yard setback distance for principal buildings in the zoning district in which the lot is located.
 2. Such accessory structures must be architecturally consistent in design with the principal structure and constructed of materials and have exterior finishes which are compatible and harmonious with those of the principal structure.
 3. No such accessory structure may be of a size which is so disproportionate to the principal building on the lot or so disproportionate to the size of the lot upon which it is located, the size of neighboring lots, or required rear yards for lots in the zoning district in which it is located as to no longer be clearly subordinate in nature and size to the primary use of the property, as required above, or so as to result in a building of such size, or a reduction of open space, substantially greater than generally found on lots of similar size in the city.
 4. Such accessory buildings may not have interior or exterior lighting which would shine directly on any adjacent property.
 5. No such accessory structure may be so located as to block natural surface water drainage or cause a diversion of surface water onto other properties.
- E. Upon receipt of an application for a conditional accessory structure permit the Director of Public Works shall notify the record owners of all properties within two hundred (200) feet of the property for which the application has been filed of the filing of the application and the date when the application is expected to be presented to the Commission. The Planning and Zoning Commission may act on the application or refer the matter to a committee for further review and study. Any application not acted upon by the Planning and Zoning Commission within one hundred (100) days of the first regular meeting of the Planning and Zoning Commission after filing of a completed application shall be deemed to have been approved, unless an extension shall have been granted with the approval of the applicant. The action of the Planning and Zoning Commission shall be final, subject only to the authority of the Board of Adjustment to grant variances from the requirements of this section if the applicant establishes practical difficulties or undue hardship as provided in **Chapter 2, Article IV, Section 2-149** of the Des Peres Municipal Code.

Section 406.025. - Requirements Relating to Group Homes.

A group home, as defined in this Title, shall be a permitted use in any residential zoning district in the City of Des Peres, subject to the following limitations:

- A. No more than eight (8) unrelated mentally or physically handicapped persons may reside in any individual group homes.
- B. Not more than two (2) additional persons acting as houseparents or guardians, who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home, may also reside on the premises.
- C. The exterior appearance of any group home and property shall be in reasonable conformance with scale, massing, appearance, site design, architecture, other characteristics and general

neighborhood standards of the area within which the group home is located, as determined by the reasonable professional administrative judgment of the Director of Public Works. Any person aggrieved by a decision of the Director of Public Works as to this "reasonable conformance" requirement may appeal that decision to the Des Peres Board of Adjustment pursuant to **Chapter 2, Article IV, Section 2-148** of the Des Peres Municipal Code.

- D. No group home may be established on any lot which is adjacent to any portion of the lot line of any existing group home, whether such existing group home is located within or outside the city. No group home which is owned or operated in whole or in part by an "affiliated person or entity" (as that phrase is defined in **Chapter 1, Section 1-15** of the Des Peres Municipal Code) that owns or operates, in whole or in part, an existing group home may be located on the same or opposite side of the street upon which such an existing affiliated group home has any frontage within the same block as the existing affiliated group home, whether such existing affiliated group home is located within or outside the city.
- E. Each group home shall provide sufficient off-street parking in conformity with the parking standards set forth in **Chapter 410, Section 410.015** of this Title to accommodate the needs of the houseparents, residents and visitors to the premises. The Director of Public Works shall establish the required number of parking spaces for each group homes based upon:
1. The number of houseparents or guardians to reside in the home;
 2. The reasonable needs and circumstances of the persons intended to reside in the home; and
 3. The reasonably anticipated frequency and duration of visitors to the home.

Any person aggrieved by a decision by the Director of Public Works as to the number or necessity of parking spaces may appeal that decision to the Des Peres Board of Adjustment pursuant to **Chapter 2, Article IV, Section 2-148** of the Des Peres Code of Ordinances.

Section 406.030: - Exterior Lighting

It shall be unlawful to install an exterior building illumination system or device on or around any building in the City of Des Peres which involves neon lighting or similar lighting systems, or the use of any colored lighting other than white or a substantially similar natural light. Provided, however, that this section shall not prohibit the temporary display of decorative colored lighting in conjunction with traditional holiday seasons.

Section 406.035: - General Rules Applicable to Commercial Districts

- A. The provisions of **Section 406.010** apply to commercial districts.
- B. All electrical, telephone and telegraph distribution lines shall be installed underground. Mounted transformers and service pedestals shall be allowed above ground.
- C. A non-transparent fence or masonry enclosure shall be placed around a solid waste dumpster of one (1) cubic yard or greater which is placed to serve any commercial structure. The fence or enclosure shall be a minimum of one (1) foot wider of all sides and one (1) foot taller than the solid waste dumpster it encloses. Adequate non-transparent doors or gates shall be used which allow the solid waste dumpster to be easily removed from the enclosure, provide for reasonable access for building occupants or tenants to make use the dumpsters, and which are

designed to contain any stray debris. For multi-tenant commercial structures, a single such enclosure may be constructed to serve the various tenants or enclosures may be constructed to serve groups of tenants. Such enclosures and their doors or gates shall be maintained in good condition and any damage shall be repaired within a reasonable time.

- D. Commercial properties with owners or tenants that employ mechanical trash compacting/recycling equipment shall locate such equipment within the primary building, within exterior enclosures, or on covered loading dock areas. Where commercial uses employing such equipment are located adjacent to residential areas, use of such equipment shall be prohibited between the hours of 9:00 PM and 9:00 AM.

Section 406.040: - Sale, Display or Storage of Goods and Merchandise in Other than A Completely Enclosed Building

- A. In all commercial districts, the sale, display or storage of goods and merchandise in other than a completely enclosed building shall be permitted only upon issuance of a conditional use permit issued by the Board of Aldermen in accord with the requirements set forth below and in accord with the provisions of **Chapter 408** of this Title.
1. Application for the permit shall be made in writing in form and with such information as is required by the Board of Aldermen.
 2. Within sixty (60) days of receipt of said application, the Board of Aldermen shall hold a public hearing and shall determine whether the outside sale, display, or storage of goods or merchandise will:
 - a. Adversely affect the character of the area,
 - b. Substantially increase fire hazards,
 - c. Create a nuisance,
 - e. Adversely affect vehicular or pedestrian traffic, or
 - f. Create additional burdens upon the government of the City.
 3. If the Board of Aldermen does not find that any of the objections under subparagraph b. of this paragraph are sustained, it shall issue the permit. Otherwise, the permit must be denied.
 4. Once granted, the permit shall be reviewed annually by the staff for any noncompliance, and those in compliance shall remain in effect until revoked by the Board of Aldermen. If revoked, the owner of the premises shall have ten (10) days to remove said outside storage.

Section 406.045: - Special Conditions for Adult Entertainment Establishments and Businesses

Any adult entertainment establishment or business and defined in **Chapter 402** and as permitted in any zoning district permitted in this Code shall be subject to the following special conditions:

1. No adult bookstore, adult entertainment facility or establishment, bathhouse, massage shop or modeling studio shall be permitted within one thousand two hundred (1,200) feet

of any religious institution, school, public park or any property zoned for residential use, or any city boundary. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior structural wall of the adult entertainment establishment to the closest point on any property line of the religious institution, school, public park, or the property zoned for residential use, or to the closest point of the city boundary.

2. No adult entertainment establishment shall be allowed to locate or expand within one thousand (1,000) feet of any other adult entertainment establishment or of any business licensed to sell or serve alcoholic beverages whether or not such business is also an adult entertainment establishment as defined in this section. The distance between any two (2) adult entertainment establishments or between an adult entertainment establishment and a business selling or serving alcoholic beverages shall be measured in a straight line without regard to intervening structures from the closest exterior structural wall of each business.
3. All access to and from the adult entertainment establishment shall be provided from a street classified as a public right-of-way.
4. The property on which such use is located shall have a minimum of one hundred (100) feet of frontage on a public right-of-way.
5. The facility on which the use is located and the parking for such facility shall have a front yard setback of thirty (30) feet, a side yard setback of six (6) feet and a rear yard setback of ten (10) feet.
6. Off-street parking shall be provided pursuant to the City Code.
7. All landscaping and screening requirements otherwise required by the Des Peres City Code shall be observed.
8. The facility in which the use is located shall be designed in such a fashion that all openings, entries and windows prevent view into such facilities from any pedestrian, sidewalk, walkway, street or other public area. No adult entertainment activity shall take place partially or totally outside the adult entertainment establishment.
9. The facility in which such a use is located shall be limited to one (1) wall-mounted sign no greater than one (1) square foot of sign per one (1) foot of wall length, not to exceed a total of fifty (50) square feet; said sign shall not flash, blink or move by mechanical means and shall not extend above the roof line of the building. Said sign shall not exceed eight (8) feet in height from ground level. Further, no merchandise, symbol, or pictures of products or entertainment on the premises shall be displayed in window areas or on any sign or any area where such merchandise or pictures can be viewed from the exterior of the building. No flashing lights and/or lighting which leaves the impression of motion or movement shall be permitted. No temporary signs shall be allowed.
10. Lighting of the parking area shall conform to the requirements of the City Code.

Section 406.050: - Zoning of Annexed Land

- A. Any land annexed to the City of Des Peres shall be classified, upon annexation, as Residential "A" District.

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- B. Within 120 days of final annexation election certification, either from the Board of Election Commissioners or from final decisions by Circuit or Appellate Courts, whichever is applicable, the Planning and Zoning Commission of the City of Des Peres shall hold a public hearing to hear testimony from the annexed area and from citizens residing adjacent to the annexed area concerning what zoning in the City of Des Peres Zoning Code should be placed on the area.
 - C. Notice of said public hearing shall be published once in a newspaper of general circulation, and at least two notices shall be placed within the annexed area on or adjacent to public right-of-ways.
 - D. The Planning and Zoning Commission, after due study and consideration, shall report to the Board of Aldermen recommending zoning for the annexed area.
 - E. Upon receipt of the report of the Planning and Zoning Commission, the Board of Aldermen shall call a public hearing and give reasonable notice of the time and place of that hearing at least once in a newspaper in general circulation in the city. The first publication shall be at least fifteen days before the date of the hearing.
 - F. After the hearing held in accordance with the requirements of this subsection, the Board of Aldermen shall pass on the zoning of the annexed area and direct the Director of Public Works to revise the city's zoning map in accordance with their findings.

Section 406.055: - Compliance with Other Building and Property Development Requirements

Notwithstanding other applicable requirements of this Title, all new construction, rehabilitation of existing of existing buildings, or redevelopment of properties within any zoning district within the City of Des Peres is required to comply with the provisions of **Chapter 6, Buildings and Building Regulations** of the Municipal Code and as this Chapter may be amended.

CHAPTER 408 – CONDITIONAL USES**Section 408.005 – Conditional Uses**

As provided for in **Chapter 404**, District Regulations certain uses are permitted by right in each district and other uses are permitted but subject to the issuance of a Conditional Use Permit as provided for in the regulations and procedures set forth as follows in this Chapter. Such uses may also be subject to the provisions of **Chapter 412, Site Plan Review Requirements**.

Section 408.010: - Conditional Use Permits - Process

- A. No use under the provisions of this section may be commenced or continued unless there is a valid permit for that use. No construction or other permit applicable to the proposed use or any part of it shall be issued or considered valid unless a conditional use permit has been issued under the provisions of this section.
1. Application for a conditional use permit shall be made to the Planning and Zoning Commission in form and with such information as may be required by the Planning and Zoning Commission. The application shall be accompanied by plans showing the elevations and intensity and extent of the proposed use.
 2. Each application and accompanying plans shall be filed with the Director of Public Works with a filing fee submitted as per **Chapter 420, Section 420.015** of this Code.
 3. Upon receipt of the completed application and filing fee the Director of Public Works shall notify in writing by First Class U.S. mail, postage prepaid, the owners of all property located within the area determined by drawing lines parallel to the boundaries of the property to be devoted to the proposed use, and two hundred feet from those boundaries. The notice shall include the statement that the application was filed, the nature of the proposed use, the name of the applicant or applicants and the date the application was filed.
 4. The Planning and Zoning Commission shall investigate the effect of the granting of the permit upon the neighborhood with special emphasis on traffic and fire hazards, and the general welfare and character of the neighborhood and the community and the criteria hereinafter set forth. The Planning and Zoning Commission shall make a report to the Board of Aldermen within one hundred (100) days of the date of the next regular meeting of the Planning and Zoning Commission following the filing of the completed application with the Director of Public Works. If no such report is made, the Planning and Zoning Commission shall be deemed to have approved the application, upon the expiration of the one hundred-day period; except that the Planning and Zoning Commission, with the consent of the applicant for approval, may extend the one hundred-day period.
 5. Upon the receipt of the report of the Planning and Zoning Commission or upon the expiration of the one hundred-day period or extensions thereof, the Board of Aldermen shall call a public hearing and give reasonable notice of the time and place of that hearing at least once in a newspaper in general circulation in the city. The first publication shall be at least fifteen (15) days before the date of the hearing.
 6. After the hearing held in accordance with the requirements of subsection (A)(5) of this section, the Board of Aldermen, in acting upon the application, shall state findings and conclusions on the following matters for the public record:

- a. Whether the proposed use is compatible with surrounding uses and with the surrounding neighborhood;
- b. Whether the comparative size, floor area and mass of the proposed use and/or proposed structure are appropriate and reasonable in relation to adjacent structures and buildings on surrounding properties and in the surrounding neighborhood;
- c. Whether the frequency and duration of various indoor and outdoor activities and special events associated with the proposed use will have a deleterious impact on the surrounding area;
- d. Whether streets adjacent to the proposed use have sufficient capacity to service any increased traffic volume associated with the proposed use while maintaining adequate and reasonable levels of service for the community;
- e. Whether the number of transit movements on abutting streets and on minor streets in the neighborhood to be generated by or associated with the proposed use will cause significant increases in hourly or daily traffic levels;
- f. Whether added noise levels generated by activities associated with the proposed use will adversely impact the ambient noise level of the surrounding area and neighborhood;
- g. Whether the activities associated with the proposed use will generate obnoxious odors to the detriment of the surrounding area;
- h. Whether the proposed use will significantly increase demands on fire and police protection services in excess of the individual demands of adjacent land uses and whether the proposed use will present any real or potential fire or public safety hazard;
- i. Whether the proposed use will adversely affect the general appearance of the neighborhood due to the location of the proposed use on the parcel of ground, or due to the materials used in the construction of any proposed buildings being greatly dissimilar to surrounding appearances of buildings, or due to the architecture of any proposed buildings being of such a nature as to create visual disharmony within the neighborhood;
- j. Whether the intensity, duration or frequency of lighting associated with the proposed use will adversely impact adjacent properties or significantly increase the ambient level of night light in the neighborhood;
- k. Whether the landscape plan for premises to be occupied by the proposed use is adequate in regard to the creation and maintenance of landscaped areas as opposed to areas to be left in a natural state and the use of buffers and screens as opposed to open land areas;
- l. Whether the proposed use will adversely affect the neighborhood in terms of water runoff, noise transfer, or heat generation due to a significant amount of hard surfaced areas for buildings, sidewalks, drives, parking and service areas;

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- m. Whether the proposed use is likely to remain in existence for a reasonable length of time and not become vacant or unused and whether such use involves the presence of unusual, single-purpose structures or components of a temporary nature.
8. If the Board of Aldermen determines that the public health, welfare and safety are adequately served and protected in view of the foregoing criteria then it shall grant the application and the permit shall be issued forthwith; but if the Board finds in the negative as to any of the stated criteria, the conditional use permit shall be denied. Provided, however, that if at least twenty-five percent (25%) of the persons entitled to notice under the terms of subsection (D)(1)(c) of this section, above, protest the granting of such application in a writing filed with the Director of Public Works no later than one day before the date of the public hearing thereon, such application shall not be granted unless two-thirds (2/3) of all the members of the Board of Aldermen vote in favor of its issuance.
- B. A conditional use permit under the provisions of this section shall expire one (1) year from the date upon which it was issued, unless, before that time: (i) the use so permitted has actually commenced; or (ii) actual construction or reconstruction of the proposed facilities for the use has been commenced; or (iii) an extension of time shall have been granted by the Board of Aldermen. The Board of Aldermen may grant such extensions for a maximum total period of one (1) year. No further extensions will be allowed. If such extensions have been granted, the permit shall expire at the conclusion of the extended period if the use so permitted or actual construction or reconstruction of the proposed facilities for the use have not been commenced.

Section 408.015 – Conditional Uses - Commercial Districts

- A. Where not otherwise allowed in that district, certain uses are permitted in "C-1" and "C-2" districts as shown in **Chapter 404, Section 404.055** subject to the conditions, restrictions and qualifications in **Chapter 404, Sections 404.035, 404.040, and 404.050** and this section and as may be specified below:
1. Accessory uses to those permitted by right or condition in **Chapter 404**
 2. Any business establishment which is open for business for 24 hours per day or is otherwise open for business to the general public between the hours of 12:00 a.m. and 5:30 a.m.
 3. Adult entertainment establishments or businesses.
 4. Any business as defined in in **Chapter 402, Section 402.005** as a driven-in or drive through establishment subject to the following requirements:
 - a. Such uses shall only be located on a lot zoned for commercial use; and
 - b. Such lot must be located in at least one of the following ways:
 - 1) on a segment of state highway that is configured for one-way traffic;
 - 2) on lot that accesses a state highway at a signalized intersection;

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- 3) on a lot that, while not meeting conditions (i) or (ii) above on its own, does meet those conditions through a formal cross-access agreement with an adjoining lot that does meet conditions (i) or (ii) above.
- B. In all locations on Manchester Road east of Interstate 270, businesses with drive-through facilities providing food or services to persons in vehicles must have direct or indirect access to a signalized intersection in addition to a site that has frontage to Manchester Road.
- C. Special rules with regard to gasoline and oil service stations:
1. No conditional use permit shall be issued for a gasoline and oil service station unless the applicant conveys or has conveyed an effective easement to the City of Des Peres on the property to be used for the gasoline or oil service station providing that all underground and above ground installations relating to or used for the storage or sale of gasoline or other material shall be removed at the expense of the owner upon the cessation of the gasoline or oil service station use. Before the conditional use permit is issued at the order of the Board of Aldermen, the easement must be filed in the appropriate land records and an opinion of the City Attorney must have been given the Mayor to the effect that the easement is fully effective and valid to achieve the purpose for which it was required.
 2. No gasoline or oil service station shall continue in operation unless the operator of that station files with the Director of Public Works the name and address of the actual owner of the land on which the service station is operated and of the actual owner of the service station itself.
 3. The owner of the land on which a service station operates or has operated shall be primarily responsible for the removal of all underground and above ground installations relating to or which once related to the storage or sale of gasoline or other material if the service station has ceased to operate, unless a new service station is lawfully commenced on that same property within a reasonable period of time after the cessation of the service station use.
 4. Self-service gasoline and oil service stations or self-service gasoline pumps, where the customer pumps the gasoline, may be permitted under the following conditions:
 - a. That the conditional use permit for a gasoline and oil service station desiring to operate any pumps under the self-service concept specifically grants such permission to the owner or operator of said gasoline and oil service station.
 - b. That the self-service gasoline and oil service station have available during all business hours an attendant who can view the dispensing of all gasoline.
 - c. That a separate master shut-off switch be operable which would allow the attendant to shut off all gasoline pumps in an emergency.
 - d. That instructions for operating the self-service gasoline pumps and any other information, such as nonsmoking signs, deemed necessary by the Fire Marshall be posted in a conspicuous place, easily visible to anyone operating said pumps; said instructions to be approved by the Fire Marshall of the City of Des Peres prior to the commencement of the self-service operation.

- e. That dispensing controls at each pump operate only by manually-maintained pressure; no automatic dispensing devices shall be allowed.
- f. That a "B" rated dry powder fire extinguisher be located within 30 feet of each self-service pump. The exact location of each fire extinguisher shall be approved by the Fire Marshall of the City of Des Peres.

Section 408.020: - Conditional Uses - Residential Areas

- A. The purpose of this section is to define certain conditional uses which may be authorized in residential districts within the City of Des Peres and to establish those conditions and circumstances under which such uses may be allowed. For this purpose, the following terms shall have the following meanings when used in this section:

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

Equipment: Any device or instrument intended to facilitate the performance of a task.

Greenhouse: Depending on the context within which the term "greenhouse" is used it shall mean either: (a) a building or structure whose roof and sides are made primarily of glass or other transparent or translucent material and in which temperature and/or humidity can be regulated for the cultivation of plants or flowers for subsequent sale; or (b) a commercial agricultural operation or enterprise primarily engaged in the sale of plants, flowers or vegetables in a living or growing state or in the cultivation of plants, flowers or vegetables for subsequent sale.

Nursery: Depending on the context within which the term "nursery" is used it shall mean either: (a) land, buildings, structures, or greenhouses used to raise or cultivate plants, flowers, shrubs or trees for sale; or (b) a commercial agricultural operation or enterprise primarily engaged in the sale of plants, flowers, shrubs or trees in a living or growing state or in the cultivation of plants, flowers, cherubs or trees for subsequent sale.

Retail: That nature of service, trade, endeavor or enterprise which provides goods or services to members of the general public.

Structure: A combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above or below the surface of land.

Temporary building or temporary structure: A building or structure which is capable of being removed when the designated time period, activity or use for which the temporary building or structure was erected has ceased.

Wholesale: That nature of service, trade, endeavor or enterprise primarily engaged in providing goods or services to retailers, to industrial, institutional or professional business users, or to other wholesalers.

- B. Where not otherwise allowed in that district, the following uses shall be permitted in any Residential District subject to the conditions, restrictions and qualifications set forth herein:
1. Wholesale greenhouses, if located on a single tract of land of at least five (5) acres.

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- C. No new use within the scope of this section may be commenced or no existing use within the scope of this section may be expanded unless there is a valid and subsisting permit for that use. No construction or other permit applicable to the proposed use or any part of it shall be issued or considered valid unless a conditional use permit has been issued under the provisions of this Chapter in compliance with the procedures established in **Section 408.010**. In addition, to the requirements of **Section 408.010**, the application shall be accompanied by site plans showing elevations and intensity and extent of use and the following specific information:
1. Location of all existing and proposed storage areas and/or structures, including areas or facilities for bulk material storage, packaged material storage, reusable material storage, movable equipment and vehicle storage and storage of plants and/or products of the operation.
 2. Location and placement of all existing and proposed buildings and structures which will cover any ground area. Provided, however, that locations for temporary structures or equipment such as shade houses, cold frames, lathe houses or similar facilities may be designated by specifying the boundaries of the areas within which such facilities or structures may be placed from time to time without specifically designating the precise location of such placements within the designated areas.
 3. Elevations of all buildings and structures.
 4. Locations, dimensions and construction materials of driveways, entrances and exits to and from the premises, and drives, ways or turnarounds for vehicular use within the property lines, whether such features are paved or unpaved.
 5. A topographic map of the site suitable for review and consideration of water drainage analysis.
 6. Landscape plan including all fences, permanent plantings and planting beds.
 7. Any applicant who has any existing nonconforming use or structure on the property for which an application is made shall also file a detailed description of the nature, extent and location of all existing nonconformities and shall bear the burden of proof as to the lawfulness of such nonconformities.
- D. No permit shall be issued under this section for operation of a wholesale greenhouse unless the property shall comply in full with the following:
1. No proposed new building, structure or equipment, including but not limited to such features as cold frames, lathe houses, shade houses, planting beds, irrigation devices, or similar items, may be located closer than forty (40) feet to any lot line.
 2. A minimum twenty-five-foot planted buffer area shall be required along any property line which abuts a residential use or district. Said buffer area shall be appropriately landscaped as approved by the Planning and Zoning Commission to provide an effective visual buffer for adjoining residential property and protect availability of light to greenhouses and structures and in substantial conformity with the standards for twenty-five-foot buffer areas for C-1 commercial districts as adopted by the city. Such buffer areas shall be maintained by the owner of the premises. Buffer areas shall not be used for the storage of

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- materials or products of the operation nor for the cultivation of products for subsequent sale.
3. All such permits shall include a surface water management plan providing on-site detention for all water runoff from all buildings, structures and paved surfaces on the property.
 4. The heights of proposed new buildings, structures and equipment shall be subject to the following limits:
 - a. Greenhouses and other growing or operational structures shall not exceed sixteen (16) feet.
 - b. Auxiliary buildings or structures shall not exceed twenty (20) feet.
 - c. Residential structures shall conform to the requirements of the residential district within which the property is located.
 5. Ventilation fans and any other equipment that generate noise shall be placed away from residential property or districts insofar as may be feasible and practical and, in establishing conditions associated with any permit to be issued pursuant to this section, the Board of Aldermen may require that noise-generating equipment may only be used at specified times and/or may condition use of such equipment on the provision of such sound insulating devices or measures as the Board may determine to be reasonable and necessary.
- E. For wholesale greenhouses granted a permit under this section:
1. Replacement or repair of cover materials for growing or operational buildings or structures may be undertaken without obtaining a permit therefor only if such replacement or repair involves no structural alteration or is not otherwise of such a nature that a construction or building permit would normally be required under other ordinances of the City of Des Peres.
 2. Unused temporary buildings, structures or equipment shall be dismantled or appropriately stored or removed if same shall be unused for their intended purpose for more than twelve (12) months. Temporary buildings, structures or equipment which have become so damaged as to be unfit for their intended purpose shall be repaired within twelve (12) months or shall be dismantled or appropriately stored or removed.

Section 408.025: - Conditional Use Permits: Recreational Uses

- A. A conditional use permit may be granted to any single tract of land of twenty or more acres under single ownership for the following uses:
1. Golf course, but not miniature golf
 2. Swimming pool
 3. Tennis court
 4. Country club

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- B. The land as to which the conditional use permit is issued must be contiguous to a tract of land actually and lawfully in a commercial or recreational use. For the purpose of this subsection, "lawfully" does not include a nonconforming use.
- C. A conditional use permit under this section is not in lieu of any other permit or license required for construction, activity, or use on the land as to which the special permit is sought. Failure to have all required permits and licenses, delinquency on any tax relating to the land or use of activity, and any other violation of any provision of this code relating to the ownership or utilization of the land or of anything on the land, shall suspend the permit issued under this section and shall subject the owner or operator of the use to enforcement proceedings under this Title as to unlawful uses until the failure, delinquency and illegality no longer exist.
- D. No construction or other permit applicable to the proposed use or any part of it shall be issued or considered valid unless a conditional use permit has been issued under the provisions of this Chapter in compliance with the procedures established in **Section 408.010**. In addition, to the requirements of **Section 408.010**, the application shall include:
1. A full description of the land as to which the permit is sought.
 2. A complete set of plans and specifications as to all facilities on or to be placed or constructed or operated on the land as to which the permit is sought.
 3. A complete list of the uses and purposes for which the permit is sought and a full description of each use.
 4. The written consent of the owners of three quarters of the land within the City of Des Peres which is contiguous to or separated from the land as to which the permit is sought by a roadway or right-of-way.
- E. The conditional use permit shall include the following:
1. A detailed description of the use or uses, structure or structures, permitted. The permit shall be limited to that described in it, construed strictly against the permittee, and without implicit authority for the extension or alteration of the uses or structures described.
 2. A requirement that the property be screened from adjacent residential property by a hedge, fence or wall or other suitable screening as provided for in the master development plan required by **Section 408.010**.
 3. A limitation on the permit to a period of one year from the date of the grant, subject to successive renewals of one year in duration upon the submission of an application for renewal and payment to the Director of Public Works of a nonrefundable fee as established by the City in accord with the provisions of **Chapter 418, Section 418.015** of this Title. The fee received by the Director of Public Works under this subsection is to be paid into the general revenues of the city. Refusal to renew shall be the equivalent of a revocation for the purpose of this section.
- F. No permit shall become effective until:

1. The owner of the property has conveyed and properly recorded an easement to the City of Des Peres limiting the use of the property to those specifically provided for in the conditional use permit.
 2. The opinion of the City Attorney that the easement is effective to prevent the use of the land in violation of the permit, and has been properly filed, to bind successors and title.
- G. The permit may be denied renewal, revoked or modified for any violation of law relating to the use of the premises, the failure of any condition to the grant or effectiveness of the permit, the failure to observe the limits of the permit as granted or amended, or the existence of a nuisance on the property which is unabated at the time the notice is given pursuant to this subsection.
1. Before action is taken under this subsection, notice shall be given or sent by registered or certified mail to the owner or operator of the premises at least twenty days and before the date of the hearing, stating the date, time and place of the hearing, the specific grounds for action taken, and whether revocation, nonrenewal, or modification is sought. If modification is sought, the notice shall state the specific modification sought, but that statement shall not limit the modification on which the Board of Aldermen may decide as a result of the hearing.
 2. At the hearing, the owner or operator may compel the attendance of witnesses, have assistance of counsel, adduce evidence and address the Board.
 3. After the hearing, or upon the failures of any person to contest the proposed action, the Board of Aldermen shall state its findings and conclusions for the public record and render its decision.
 - a. If the notice provided for suspension, or nonrenewal, the Board of Aldermen may suspend, refuse renewal of, or modify the permit after a contested hearing.
 - b. In the case of default or failure to contest, the Board of Aldermen may only take such action as was specifically on the notice.
 4. A defective notice will void the action of the Board of Aldermen only if the defect was raised before the Board before it reached its decision, or if a denial of due process resulted from the defect.

Section 408.030: - Conditional Use Permits: Hospitals and Attendant Medical Office Buildings

A conditional use permit may be granted where permitted by the applicable zoning district regulations and subject to the conditions and procedures in this section.

A. General conditions:

1. A permit may be sought and utilized only with respect to a single lot of at least forty (40) acres or more under single ownership.
2. Permissible uses shall be limited to a hospital and attendant medical offices.

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- a. For purposes of this section, a "hospital" shall mean a facility licensed by the State of Missouri in which the predominant activity is the provision of emergency medical care and in-patient (overnight) medical service. A "hospital" may also provide non-emergency outpatient (ambulatory) medical service provided such service is an accessory use, which is clearly subordinate in scope and scale to the predominant use specified above.
 - b. For purposes of this section "attendant medical offices" shall mean offices used by medical professionals the majority of whom are affiliated with the proximate hospital, attend to and regularly admit patients to that hospital and utilize the hospitals facilities to serve their patients.
3. Such hospital and attendant medical offices may be located in one (1) or more buildings subject to the following general parameters:
- a. The hospital shall not exceed three hundred thousand (300,000) square feet in gross floor area;
 - b. Medical offices may be located in the same or separate buildings from the hospital. Such medical offices must be accessory to the hospital use of the lot and must be clearly subordinate in scope and scale to that predominant use. Medical offices shall not in aggregate exceed one hundred twenty-five thousand (125,000) square feet or sixty-two and one-half (62.5) percent of the hospital, whichever is less.
 - c. Facilities having a maximum size not to exceed ten (10) percent of the gross floor area of the hospital may be provided for residential treatment of alcohol or other drug abuse within the hospital.
4. Setbacks for all buildings including parking structures constructed in conjunction with issuance of a Conditional Use Permit for operation of a hospital and attendant medical offices shall be two hundred (200) feet from each property line except that setbacks from the right-of-way of interstate highway shall be fifty (50) feet from any adjacent commercially zoned-use property.
- B. Permit required. No use under this section may be commenced or continued unless there is a valid and subsisting permit for that use.
- C. Application process:
1. Application for a conditional use permit shall be made to the Planning and Zoning Commission. No permit of any kind shall be issued until a master plot plan has been approved by both the Planning and Zoning Commission and the Board of Aldermen.
 2. The master site plan shall contain such information as the Planning and Zoning Commission or Board of Aldermen shall require to show compliance with the ordinances of Des Peres, and the beneficial nature of the development. This information shall include, but is not limited to, location of all present and proposed streets, sidewalks and structures; access and egress points to structures, groups of structures and the proposed use; landscaping; buffer areas; parking, loading and delivery areas and facilities; a general description of all surrounding property to be included on the master site plan; and a topographic map including information on storm water and sanitary drainage.

3. Each application and accompanying plans shall be filed with the City Clerk with a filing fee established by the City in accord with the provisions of **Chapter 418, Section 418.015** of this Title for the purpose of reimbursing the city for the expenses in processing the application. Where the fee is insufficient to cover all expenses associated with the processing of the application, the Board of Aldermen may condition the issuance of the special use permit upon the payment of an extra amount.
4. Upon receipt of the completed application and filing fee, the City Clerk shall inform, notify in writing, the owners of all property located within the area determined by drawing lines parallel to the boundaries of the property to be devoted to the proposed use, and two hundred (200) feet from those boundaries. The notice shall include the statement that the application was filed, the nature of the proposed use, the name of the applicant or applicants and the date the application was filed.
5. The Planning and Zoning Commission shall investigate the effect of the granting of the permit upon the neighborhood, with special emphasis on traffic and fire hazards and the general welfare and character of the neighborhood and the community. The Planning and Zoning Commission shall make a report to the Board of Aldermen within one hundred (100) days after the day the completed application is submitted to the City Clerk. If no such report is made, the Planning and Zoning Commission shall be deemed to have approved the application upon the expiration of the one hundred-day period; except that the Planning and Zoning Commission, with the consent of the applicant for approval, may extend the one hundred-day period. This period shall be determined by counting as the first day the day after the application was submitted.
6. Upon receipt of the report of the Planning and Zoning Commission or upon the expiration of the one hundred-day period or extensions thereof, the Board of Aldermen shall call a public hearing and give reasonable notice of the time and place of that hearing at least once in a newspaper in general circulation in the city. The first publication shall be at least fifteen (15) days before the date of the hearing.
7. After the hearing held in accordance with the requirements of this subsection, the Board of Aldermen shall state findings and conclusions on the following matters for the public record:
 - a) Whether the proposed use will increase traffic hazards or congestion;
 - b) Whether the proposed use will increase fire hazards;
 - c) Whether the proposed use will affect the character of the neighborhood adversely;
 - d) Whether the proposed use will affect the general welfare of the community adversely; and
 - e) Whether the proposed use will overtax public utilities.
8. If the Board of Aldermen findings are in the negative as to all of the matters under subsection 7, it shall grant the application, and the permit shall be issued forthwith, unless at least twenty-five percent of the persons entitled to notice under subsection 4 protest in writing to the City Clerk no later than one day before the day on which the hearing is to be held. If the requisite number of protests is received, the special use permit may not be

issued unless two-thirds (2/3) of all the members of the Board of Aldermen vote in favor of its issuance.

- D. Expiration of permit. A conditional use permit under the provisions of this section shall expire after one (1) year from the date on which it was issued unless, before that time:
1. Construction on the project as approved has commenced, or
 2. An extension of time has been granted by the Board of Aldermen for a period of up to one (1) year, in which case the permit shall expire, if construction on the project has not commenced within that extended period. No further extension is allowable.
 3. Such other period of time has been established in approval of a master site plan or amendments thereto.

CHAPTER 410 – OFF-STREET PARKING AND LOADING

Section 410.005 - Off-Street Parking Regulations

It is the purpose of these off-street parking and loading requirements to provide for sufficient accessory use areas for the temporary parking of motor vehicles and for loading and unloading of transport vehicles associated with large multi-family dwellings, commercial uses, and industrial uses. The requirements for off-street parking and loading spaces are intended to reduce the congestion on the streets due to excessive use of such streets for parking and/or loading and unloading of motor vehicles.

However, certain exceptions from these requirements are provided for under special circumstances. These exceptions are provided as a practical matter so as not to unduly limit the reuse of existing developed properties by strictly imposing off-street parking space standards. Even with the exceptions from the regulations contained in this Article, it is not the intent to permit such exceptions that would result in undue impacts of overflow parking from one use onto other properties or public rights-of-way.

Section 410.010 – Design Requirements

- A. A parking space is an area 300 square feet which includes a stall of not less than 9 feet by 19 feet and circulation space. For off-street parking the following minimum design standards shall apply:

	Depth of Stall	Width of Stall	
Angle of Parking	Perpendicular to Aisle	Parallel to Aisle	Minimum Aisle Width
Parallel	10.0 feet	24.0 feet	12 ft. 1-way 23 ft. 2-way
30°	18.7 feet	19.6 feet	12 feet
45°	21.0 feet	14.1 feet	13 feet
60°	21.9 feet	11.5 feet	15 feet
90°	19.0 feet	9.0 feet	23 feet

- B. Where off-street parking is designed for vehicles longer than 20 feet, bumper to bumper, the parking stall and maneuvering space shall be of such size and dimensions as will accommodate the parking and maneuvering of the vehicles.
- C. A parking space located within a C-1, C-2, C-3, PD-C, or PD-MXD Zoning District may, subject to approval of the Board of Aldermen, be of a size and configuration less than 9 feet by 19 feet plus circulation space in order to maximize allowable parking and to accommodate lot or garage configuration limitations. In all such cases where smaller spaces are permitted they shall be marked for compact vehicles and the total number of such spaces shall not be greater than 5 percent of the total number of spaces required, but in any event no space shall have a width of less than 8 feet and depth of less than 18 feet. In any such instance, aisle width shall not be less than that for the remainder of a row.

Section 410.015 – Number of Spaces Required

The off-street parking spaces shall apply as a minimum for each use listed in the tables as follow:

A. Residential

Use	Minimum Parking Requirement	Minimum Loading Requirement
1. Dwellings, Single Family	2 spaces for every dwelling, required parking spaces shall not encroach upon the required front yard	None

B. Commercial/Industrial

Use	Minimum Parking Requirement	Minimum Loading Requirement
1. Banking Facilities	4½ spaces for every 1,000 sq. ft. gross floor area (excluding area under canopy).	None
2. Barber and Beauty Shops, Nail Salons and similar businesses	3 spaces for every chair	None
3. Bookstores and Card-shops	4½ spaces for every 1,000 sq. ft. gross floor area	See Table B
4. Car Wash, except self-service	Reservoir (line-up) parking equal to 5 times the capacity of the car wash	None
5. Car Wash, self-service	Line-up area for each wash stall of sufficient size to accommodate 4 cars	None
6. Cigar and Newspaper Stands	3½ spaces for every 1,000 sq. ft. gross floor area	See Table B
7. Commercial Service Facilities and Retail Sales Uses (except as herein noted)	5 spaces for every 1,000 sq. ft. gross floor area	See Table B
8. Commercial Vegetable and Flower Gardening Plant Nurseries and Greenhouses	2 spaces for every 3 employees on the maximum shift, 1 space for every vehicle customarily used in operation of the use or stored on the premises plus 5 spaces for every 1,000 sq. ft. gross floor area of salesroom	None
9. Equipment Sales, Service, Rental and Repair	31/3 spaces for every 1,000 sq. ft. gross floor area	See Table A
10. Filling Station (Service station)	1 space for every employee on the maximum shift	None

Use	Minimum Parking Requirement	Minimum Loading Requirement
11 Food Markets, 5,000 sq. ft. gross floor area and over	5.5 spaces for every 1,000 sq. ft. of gross floor area	See Table A
12. Food Markets under 5,000 sq. ft. gross floor area (convenience store)	31/3 spaces for every 1,000 sq. ft. gross floor area	See Table B
13. Medical and Dental Offices and Clinics	4½ spaces for every 1,000 sq. ft. gross floor area, or 4 spaces for every doctor and 1 space for every additional employee, whichever is greater.	See Table B
14. Mortuaries	1 space for every 5 seats 10 space minimum	None
15. Offices and Office Buildings (except as noted herein)	4 spaces for every 1,000 sq. ft. gross floor area	See Table B
16. Plumbing, Air-conditioning and Heating Equipment (sales and repair)	31/3 spaces for every 1,000 sq. ft. sales and office area, 2 spaces for every 3 employees on the maximum shift, plus 1 space for every vehicle customarily used in operation of the use or stored on the premises.	See Table A
17. Research Facilities and Laboratories (under the same ownership or management)		
1. Less than 100,000 sq. ft.	31/3 spaces for every 1,000 sq. ft. of gross floor area up to 50,000 sq. ft. plus 2½ spaces for every 1,000 sq. ft. gross floor area over 50,000 sq. ft.	See Table B
2. 100,000 sq. ft. or larger	300 spaces, plus 2 spaces for every 3 employees over 400 employees	See Table B
18. Restaurants, Bars, Taverns		
A. Restaurants	1 space for every 45 sq. ft. of building area available for public use, or 1 space for every 3 seats in the dining area of the restaurant, whichever is greater, plus 2 spaces for every 3 employees on the maximum shift	None
B. Bars, Taverns and areas of other uses available for such use	1 space for every 45 sq. ft. of area available for public use, or 1 space for every 2 seats in the bar area, whichever is greater, plus 2 spaces for every 3 employees on the maximum shift	None
19. Restaurants, Fast Food	1 space for every 2 seats plus 2 spaces for every 3 employees on the maximum shift, plus 10 stacking spaces (of the same dimensions as a parking space) in the approach to each window where orders are delivered	None

Use	Minimum Parking Requirement	Minimum Loading Requirement
20. Veterinary Clinics and Hospitals	4 spaces for every doctor plus 1 space for every additional employee	None
21. Planned Business Centers in the C-2 District	5.0 spaces for each 1,000 sq. ft. of gross leasable floor area (GLA)	See Table B

C. Cultural, Entertainment, and Recreation (for profit and not-for-profit)

Use	Minimum Parking Requirement	Minimum Loading Requirement
1. Auditoriums, Theaters, Meeting Rooms and places for public assembly (except as noted herein)	1 space for every 4 seats or 1 space for every 50 sq. ft. gross floor area when there is no fixed seating	See Table B
2. Bowling Alleys	5 spaces for every alley	None
3. Community Centers and Private, not-for-profit Recreation Centers, including gymnasiums and indoor swimming pools	31/3 spaces for 1,000 sq. ft. gross floor area	None
4. Golf-driving ranges	2 spaces for every tee	None
5. Gymnasium without bleachers fixed seating (except as noted herein)	1 space for every 100 sq. ft. gross floor area	None
6. Swimming Pools	2 spaces for every 100 sq. ft. of water area	None
7. Tennis Courts	4 spaces for every court	None

D. Institutional, Open Space and Agricultural

Use	Minimum Parking Requirement	Minimum Loading Requirement
1. Churches	1 space for every 4 seats (one seat equals 2 feet of bench length), plus 1 space for every vehicle customarily used in operation stored on the premises	None
2. Hospitals	1 space for every 2 beds, plus 1 space for every staff doctor and employee on the maximum shift	See Table B

Use	Minimum Parking Requirement	Minimum Loading Requirement
3. Libraries and Reading Rooms	5 spaces for every 1,000 sq. ft. gross floor area, 1 space for every 6 seats in an accessory auditorium and 2 spaces for every 3 employees on the maximum shift	None
4. Nursing Homes	1 space for every 5 beds, 1 space for every self-care unit, and 1 space for every 2 employees on the maximum shift	See Table B
5. Schools, Public and Private, all grades and Vocational	1 space for every classroom and office, and 1 space for every 4 students over 16 years of age	None
6. Agricultural Operations Farm buildings, Cemeteries, Forest and Wildlife Reservations	Sufficient open land available for parking so that no vehicle need be parked on any street	None
7. Assisted living	1 space for every 2 living units, but more than 1 space for each 1.5 living units	One

E. Temporary Parking During Construction

Every developer or contractor shall provide sufficient off-street parking during construction to accommodate all construction equipment and personal vehicles of workers. Such parking shall be provided to the satisfaction of the Director of Public Works.

F. Shared Parking

The minimum parking requirements for developments in commercial Districts for multi-tenant and mixed use developments involving tracts of land greater than three (3) acres may be reduced by up to twenty (20.0) percent when authorized by the Planning and Zoning Commission and where it has been demonstrated by a study by a professional traffic engineer that adequate parking would be provided for the combined uses and customary operation of the uses.

Section 410.020 – Determining Space Requirements

A. In determining the parking space requirements under this section:

1. Where the computations provided for in this section result in a fraction, the next highest whole number shall be used.
2. Where a building contains more than one (1) use, the number of parking spaces shall equal the total number of parking spaces computed separately for each use.
3. No buildings may be enlarged in floor area, number of employees, seating capacity or otherwise unless the number of parking spaces required after the change is provided per **Section 410.015, B.**

4. No occupancy permit shall be issued for a new use within an existing commercial building or center unless the number of available spaces are per **Section 410.015, B.**, or unless the proposed use has a requirement for the same or lesser number of spaces as the old use/merchant.
- D. Off-street parking facilities shall be located on the same parcel as the building served in the case of residential or Planned Business Center uses. Off-street parking for other uses may be located on an area immediately contiguous to the building served. More than two (2) persons may provide parking on the same area so long as that area is immediately contiguous to all the buildings served.
- E. No parking lot may be improved or operated for the purpose of providing off-street parking of this section unless the plans for that lot have been approved by the Director of Public Works. Those plans shall show the proposed construction, maintenance and operation of the lot and must comply with the following requirements:
1. The lot shall be surfaced with either six (6) inches of concrete or with at least seven (7) inches of compacted crushed stone covered with no less than two (2) inches of bituminous surfacing, or with a surfacing which is the equivalent of or superior to either, as determined by the Director of Public Works.
 2. Adequate provision shall be made for storm water runoff so that storm water flow onto adjoining property or adjacent sidewalks does not increase. In this regard the plans must show the location of all open drainage channels, all improvements such as widening, straightening, surfacing, realigning or other adjustment or improvement of channels: reconstruction or construction of bridges, culverts, underground enclosed sewers and all surface accessories for carrying off storm water. The plans must be accompanied with data which is as complete as is possible under the circumstances regarding the area served by the facilities and the estimated runoff onto the lot from other areas. This portion of the plan must be approved by the Metropolitan Sewer District to the extent that the lot is within its boundaries.
 3. If the parking is located in "C-1" and "C-2" districts, it may be within the required minimum front yard depth if the lot maintains minimum setback of fifty (50) feet from the center line of Manchester Rd and forty (40) feet from the center line of any other street, and a ten-foot pavement widening strip shall be installed the full length of the frontage on each street, or right-of-way of record.

The parking lot must be provided with a five-foot concrete sidewalk and with planting areas required in this subsection.

4. The following screening and wall requirements shall be met:
 - a. Where the lot meets or joins a public street, sidewalk or alley, a structurally sound wall or screen shall be installed to ensure safety.
 - b. Where necessary to prevent washing of soil from or onto the lot, an adequate retaining wall shall be erected.

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- c. Where necessary to meet best standards of safety and construction and to preserve convenience, privacy and open character in residential neighborhoods, a wall or screen shall be erected to the specifications imposed by the Planning and Zoning Commission.
 5. The following requirements concerning entrances and exits shall be made:
 - a. Unless otherwise allowed by the Board of Aldermen, in order to prevent or alleviate traffic problems onto any one (1) street there may be only one (1) combined entrance and exit or, where separate entrances and exits are used, they must be separated by at least twenty-five (25) feet.
 - b. Where a parking facility includes ten (10) or more parking spaces, no entrance or exit may be located within seventy-five (75) feet of a street intersection.
 - c. The specific location and width of each entrance and exit on city maintained streets must be approved by the Director of Public Works. Unless otherwise required, the maximum width of a driveway shall be twenty-five (25) feet.
 - d. Entrances and exits shall conform to the standard street cut now on file with the City of Des Peres showing sidewalk and street elevations.
 - e. All grades for sidewalks and curb cuts shall conform to the standard section now on file with the City of Des Peres.
 - f. Every effort shall be made to combine entrances and exits onto Manchester Road (State Route 100) from adjoining commercial properties. Shared driveways and jointly used access between adjoining commercial lots shall be encouraged in all commercial districts in the city, necessary parking spaces, buffer, or landscaping requirements notwithstanding. When the use of such shared facilities conflicts with parking, buffer, or landscaping requirements of a given commercial zoning district, the Board of Aldermen shall have authority to modify such requirements to the extent reasonably necessary to accommodate use of shared facilities and internal traffic circulation within or between adjoining properties and to require the provision of such alternative landscaping or buffer areas as may be appropriate to reduce any negative impact on nearby properties resulting from such modification.
 6. The location of each parking space and the direction of movement along the driveways providing access to the parking spaces shall be indicated by such devices or signs as are approved by the Director of Public Works. Parking spaces shall be so located as to provide an unobstructed fire lane around and adjacent to the buildings served.
 7. Wherever commercial parking lots are to be used during darkness, a system of lighting shall be installed to provide an adequate standard of illumination over the entire parking lot. All lighting fixtures shall be shielded so that minimum glare will extend to adjacent properties. Lighting details shall be shown on a lighting plan accompanied by a photometric plot taken at ground level and prepared and sealed by a certified lighting engineer. The plan shall include the location and height of each standard and a photometric plot indicating the illumination pattern for the lot and surrounding areas within 100 feet of the lot. All parking lot lighting must comply with the following requirements:

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- a. Lighting standard fixtures must be of a shoebox design or equivalent and equipped with baffles to reduce the disbursement of light outside of the property.
 - b. Lighting standard mounting poles, bases and fixtures may not exceed a total height of 24 feet. When the parking lot contains 300 or more parking stalls, lighting standards may have a total height not to exceed 30 feet unless located within 150 feet or less from residential property.
 - c. The foot candle illumination for parking lots must be an average minimum of 0.5 foot candles but may not exceed an average of 3.0 foot candles.
 - d. The maximum foot candle illumination within buffer areas adjacent to residential properties may not exceed an average of 0.5 foot candles.
 - e. The approved photometric plot for the site must be verified by a certified lighting engineer following installation. A sealed report must be submitted to the Director of Public Works or his designated representative for review and approval prior to issuance of an occupancy permit. The alteration of approved fixtures or lamps is prohibited at any time thereafter without submittal of an amended lighting plan to the Planning and Zoning Commission for approval.
8. A sign, the size and character of which shall be approved by the Director of Public Works, shall be installed showing the ownership of the lot and the permitted use thereof.
 9. The following planting requirements shall be met:
 - a. There shall be an area between the parking area curb and the sidewalk for planting. The planting in this area shall be no higher than three feet when within twenty-five feet of a driveway or intersection. The minimum width of such planting areas shall be ten (10) feet in "C-1" and "C-2" Zoning Districts, and fifteen (15) feet in a "C-3" Zoning District.
 - b. In all parking areas of one-half acre or more, there shall be at least one overstory deciduous tree or one ornamental deciduous tree for every 3000 square feet of parking area. Specific types of approved trees include, but are not limited to, those specified in **Chapter 404, Section 404.035, D, 6, b and c**. In no case shall a tree planted under these requirements be less than two inches in caliper, and in less than 150 square feet of planting area.
 - c. Notwithstanding other provisions of this paragraph, requirements for planting trees in a Planned Business Center in "C-2" zone shall be determined by the Planning and Zoning Commission before construction of the parking area.
 - d. Nothing in this paragraph shall affect in any way the requirements of this Title relating to buffer areas in "C-1" Commercial District.
 10. The following requirements relating to operation and maintenance shall be met:
 - a. The parking lot shall be maintained to keep it as free as practicable from dust, paper and other loose particles. Snow and ice shall be promptly removed by the operator. All adjacent sidewalks shall be kept free from dirt, ice, sleet and snow and in a safe

condition for use by pedestrians. All signs, markers and other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. All walls, trees and shrubbery and surfacing of the parking lot shall be maintained in good condition throughout its use for parking purposes. The Director of Public Works shall have the authority to prohibit the use of any area for parking purposes unless and until it is properly maintained and repaired.

- b. To assure the safety of users of the lot, there shall be filed by the operator or owner of a parking lot a bond in such form as may be prescribed by the City Attorney and in such amount as is approved by the Board of Aldermen to assure payment of any judgment arising out of the operation of the lot. The operator or owner must also carry public liability insurance in such amount as may be required by the Board.
11. For all lots which: (i) provide two hundred (200) or more spaces or (ii) are associated with a Planned Business Center; or (iii) are used for shared parking by two (2) or more users, shall provide access from the public road system and to all parking areas by way of a primary internal driveway which shall be designated on all site plans subject to this requirement. Parking lots containing a primary internal driveway shall meet the following additional requirements:
- a. All access between the public road system and the parking area shall be by way of a primary internal driveway.
 - b. The primary internal driveway shall provide for two-way travel and have a traveled pavement width of at least twenty-six (26) feet and at least thirteen (13) feet per lane.
 - c. Intersections between primary internal driveways and the public road system shall be constructed in accord with specifications for street curb openings.
 - d. Pavement markings and intersection controls shall be required throughout the length of all primary internal driveways for each intersection with parking aisles and the public road system.
 - e. Intersections between the primary internal driveway and parking aisles shall be separated by a distance of at least fifty (50) feet.
 - f. No intersection between a primary internal driveway and a parking aisle shall be closer than seventy-five (75) feet to the primary internal driveway's intersection with the public road system in order to allow sufficient vehicle stacking within the primary internal driveway for vehicles entering the public roadway.
 - g. No vehicle parking shall be permitted in or on any primary internal driveway. All vehicle access to parking spaces shall be by way of parking aisles reached through properly configured intersections with the primary internal driveway. Parking lot subject to the requirements of this subsection shall be so configured such that vehicles cannot back from a parking space onto the primary internal driveway.
 - h. Parking lots subject to the requirements of this subsection shall be so configured as to provide internal circulation of vehicular traffic in a continuous forward motion, with no dead-end aisles or other configuration which would require or encourage

vehicles which fail to find a parking space to reverse their course of travel in order to exit the parking aisle.

F. Commercial Parking Lots:

1. A commercial parking lot is land used for storage of motor vehicles for the purpose of serving a commercial use.
2. Except where otherwise provided, a commercial parking lot is governed by the provisions of this section relating to off-street parking areas.
3. A temporary shelter for the use of a commercial parking lot attendant may be maintained on the lot if the location, construction and design of the shelter has been approved by the Director of Public Works and is in conformity with existing codes and ordinances. The Board of Aldermen may grant a permit for the operation of a commercial parking lot in a residential district other than an "A" district, when the operation of the lot is in the best interest of the community, and where the land to be used abuts onto or is adjacent to a commercial district and the following requirements are complied with:
 - a. The lot is to be used only for the parking of passenger automobiles of employees, guests or customers of the person or persons served by the lot. No sales, repair work, service work or advertising of any kind shall take place on the lot.
 - b. No charge shall be made for parking on the lot.
 - c. Parking is to be kept behind the setback building line by a barrier unless otherwise specified by the Board of Aldermen.
 - d. A hedge or sight-proof fence or wall, of at least four feet high, shall be located at all places necessary to screen the lot and that portion of the driveway behind the building line, from residential uses whether adjacent or across the street.
 - e. Lighting is to be adequate and arranged in such a manner as to avoid glare from the lights which would annoy residential use occupants.
 - f. Exits and entrances shall be so located as to have the least adverse impact upon the residential district. The placement of exits and entrances shall be approved by the Director of Public Works before the lot permit is issued.
 - g. The lot is to be owned and operated by one or more persons for the purpose of serving the owner's commercial use. The person responsible for the operation of the lot and compliance with the provisions of this Title applicable to it is the person named in this permit.
4. The permit issued for the operation of a lot under paragraph 3 of this subsection shall be subject to the following:
 - a. The permit is conditioned upon compliance with the provisions of paragraph 3 of this subsection and such other reasonable requirements regarding operation, assurance of compliance and protection of residential uses as the Board of Aldermen shall impose.

- b. The permit may be amended or revoked by the Board of Aldermen after a hearing is held at which the person or persons who are served by the lot have adequate opportunity to be heard. The hearing shall be held within a reasonable time after ten (10) days have elapsed from the date on which the permittee is notified of the date and time of the hearing and the specific action to be taken regarding the permit. Notice to the permittee shall be deemed notice to all persons who are served by the lot.
- c. Amendment or revocation of a permit is at the discretion of the Board. A permit may be revoked on violation of any of the conditions to that permit properly imposed under this section. A permit may be revoked or amended where necessary to protect residential uses from adverse effects not posed or reasonably foreseen when the permit was originally issued or at last amended.
- d. At a hearing concerning amendment or revocation of a permit, the permittee and any other person served by the lot may adduce evidence and compel testimony.
- e. If, after the hearing, the Board of Aldermen amends or revokes the permit, it shall state its findings of fact and its reasons for the revocation or amendment.
- f. Appeals from a refusal, amendment or revocation of a permit shall be appealable in the same manner as is a denial of a building permit.

Section 410.025 – Off-Street Loading Spaces

Where specified in **Section 410.005** of this Chapter above, loading spaces shall be provided in accordance with the following tables:

Table A

Gross Floor area (sq. ft.)	Number of Min. 10' × 40' Loading spaces
5,000— 25,000	1
25,000— 50,000	2
50,000—100,000	3
For each additional 100,000	1 additional loading space

Table B

Gross Floor Area (sq. ft.)	Number of Loading Spaces	
	10' × 25' Min.	10' × 40' Min.*
2,000— 10,000	1	
10,000— 25,000	2	
25,000—100,000	2	1
For each additional 100,000		1 additional

* Each 10' × 40' loading space shall have height clear of obstruction of not less than fourteen (14) feet.

CHAPTER 412 – SITE PLAN REVIEW**Section 412.005: - Site Plan Review**

All development in the C-1, C-2, and C-3 Commercial districts and all PD Planned Development Districts are subject to site plan review and the submission of a master development plan as set forth in the requirements of the subsequent sections of this Chapter.

Section 412.010: – Master Development Plan Goals

Approval of a master development plan shall be vested in the sound legislative discretion of the Board of Aldermen as a zoning enactment and in consideration of prior review of the proposed plan by the Planning & Zoning Commission. In exercising its discretion, the board should consider the general health, safety and welfare of the community and such circumstances as the Board may deem to have a bearing on the propriety of the plan, as well as whether a proposed plan adequately serves the following goals for commercial zoning designation and approval of the master development plan:

1. Proposed use(s) should be compatible with the uses on adjoining property and with the surrounding neighborhood;
2. The size, floor area, mass, siting and configuration of the proposed use and/or structure(s) should be appropriate and reasonable in relation to adjacent structures and buildings on surrounding property and in the surrounding neighborhood.
3. The frequency and duration of various indoor and outdoor activities and special events associated with the proposed should not have a deleterious impact on the surrounding area.
4. Streets adjacent to the proposed use should have sufficient capacity to service any increased traffic volume associated with the proposed use while maintaining adequate and reasonable levels of service for the community.
5. The number of transit movements on abutting streets and on minor streets in the neighborhood to be generated by or associated with the proposed use should cause no significant increase in hourly or daily traffic levels or compromise the safe and efficient movement of regular and emergency traffic through the area.
6. Noise levels generated by activities associated with the proposed use should not adversely impact the ambient noise levels of the surrounding areas and neighborhood.
7. Activities associated with the proposed use(s) should not generate obnoxious odors to the detriment of the surrounding area.
8. Buildings, structures and proposed use(s) should not generate significant demands on fire and police protection services in excess of the individual demands of adjacent land uses, and not present any real or potential fire or public safety hazard.
9. Buildings, structures and proposed use(s) should not adversely affect the general appearance of the neighborhood due to location on the parcel of ground or due to the materials used in the construction of any proposed buildings, or structures being greatly dissimilar to surrounding

appearances of buildings, or due to the architecture of any proposed buildings being of such a nature as to create visual disharmony within the neighborhood.

10. The intensity, duration and frequency of lighting associated with the development should not adversely impact adjacent properties or significantly increase the ambient level of night light in the neighborhood.
11. The landscape plan for the development should be adequate in regard to the creation and maintenance of landscaped areas as opposed to areas to be left in a natural state, and the use of buffers and screens as opposed to open land areas.
12. Buildings, structures and proposed use(s) should not adversely affect the neighborhood in terms of water runoff, noise transfer or heat generation due to significant amounts of hard surfaced areas for buildings, sidewalks, drives, parking lots and service areas.
13. Buildings and structures should be such that they are likely to remain in existence for a reasonable length of time and not become vacant or unused and not involve the presence of unusual, single-purpose structures or components of a temporary nature.

Section 412.015: - Application and Approval Procedures:

Development of lots located in the City's commercial zoning districts as specified in Section 412.050 above shall be carried out in accordance with a Master Development Plan subject to the approval of the Board of Aldermen as set forth below:

- A. The owner or owners of any tract of land located in a commercial zoning district and which meets the requirements for development in such District shall file with the Director of Public Works an application for the use of such tract of land. Each application shall be accompanied by payment of the application fees provided in accord with **Chapter 420, Section 420.015** of this Code.
 1. The name of the developer, owner, and professional architect, engineer, landscape architect, planner, or land surveyor responsible for preparation of site plans.
 2. The existing and proposed contour intervals identifying all grade changes and areas of cut and fill. Information shall be prepared at a minimum contour interval of two (2) feet or one (1) foot in areas where average slopes are three percent (3%) or less.
 3. All proposed uses and structures (present and future) and the general location, height, size and configuration thereof, including the specific location of all setback lines and the buildable area of the lot.
 4. The location, dimension and general character of all buffer areas.
 5. Plans for the provision of water, sanitary sewage, and storm drainage facilities.
 6. All easements, dedications or other public improvements.
 7. Ingress and egress facilities.
 8. Any proposed public or private roadways which will service the development.

9. The number and location of parking spaces and moving traffic lanes.
 10. Development phasing.
 11. Specific data and/or reports reflecting the impact of the proposed development on traffic patterns, traffic loads and public services, including, but not limited to, water, sewerage and other utilities.
 12. Other information of a similar character which the Planning and Zoning Commission and/or Board of Aldermen may designate.
- B. Upon the filing of the application and Preliminary Development Plan with the Director of Public Works, it shall be referred to the Planning and Zoning Commission for review, study, and report. The Planning and Zoning Commission shall review the application and Preliminary Development Plan and shall report to the Board of Aldermen, within one hundred (100) days of the date of the next regular meeting of the Planning and Zoning Commission following the filing of the application, with its recommendations as to the application and development plan including recommendations for phasing of the development, if applicable. The report of the Planning and Zoning Commission may also include findings as to the impact of the proposed development on public roadways and other public services and/or recommendations as to the timing of such development in conjunction with the availability of such roadways or public services. If no such report is made, the Planning and Zoning Commission shall be deemed to have approved the application upon the expiration of the one hundred-day period aforesaid, unless the applicant shall agree in writing to an extension of such time limitation.

The Board of Aldermen shall conduct a public hearing concerning the same after having given notice of the time, place, and purpose of such public hearing by at least one notice in a newspaper of general circulation within the City of Des Peres at least fifteen (15) days prior to the date of the public hearing.

After such hearing, the Board may then either approve, disapprove, or modify and then approve the application and the Preliminary Development Plan, or it may return the same to the Planning and Zoning Commission for further study and report. The Board of Aldermen may also approve the Preliminary Development Plan conditionally upon the contingency that no building and/or occupancy permit may be issued with respect to the development until the completion or improvement of roadways and/or other public services sufficient to serve the development without detrimental impact upon surrounding users of such facilities has been accomplished. In the event of such conditional approval, the specific contingencies which must be satisfied shall be recited by the Board in the document of action on the proposed development.

Approval or conditional approval of a Preliminary Development Plan by the Board of Aldermen shall be indicative of a general acceptance of the character of the proposed development and shall not give rise to any presumptions or obligation with respect to consideration of the Master Development Plan on the part of the Planning and Zoning Commission or the Board of Aldermen.

- C. If a Preliminary Development Plan is approved or conditionally approved by the Board of Aldermen, the applicant shall prepare and file a Master Development Plan application within one (1) year of the date of such approval. If no application for a Master Development Plan is filed within one (1) year of the approval of the Preliminary Development Plan, the approval of such

preliminary plan shall automatically be revoked and held for naught unless the Board of Aldermen shall extend the time for filing of the Master Development Plan application at the request of the owner or developer of the property.

- D. The application for a Master Development Plan shall include the following:
1. The name of the developer, owner, and professional architect, engineer, landscape architect, planner, or land surveyor responsible for preparation of site plans.
 2. The existing and proposed contour intervals identifying all grade changes and areas of cut and fill. Information shall be prepared at a minimum contour interval of two (2) feet or one (1) foot in areas where average slopes are three (3) percent or less.
 3. All proposed uses and structures (present and future) and all building plans and elevations depicting materials and exterior treatments, height, bulk and location relationships. All setback lines and the buildable area of the lot shall be shown on the Master Development Plan.
 4. The landscape plan with the specific description and location of all woodlands trees, major vegetation areas, and other natural resources and specific provisions taken to preserve or minimize the impact upon these features.
 5. Plans for the provision of water, sanitary sewage, and storm drainage facilities.
 6. All easements, dedications or other public improvements and the specific location and construction details of each.
 7. Ingress and egress facilities.
 8. Location and construction details of all sidewalks.
 9. Any proposed public or private roadways which will service the development and the specific locations and construction details of each.
 10. The number and location of parking spaces and moving traffic lanes.
 11. A detailed plan identifying and describing all provisions for the illumination of parking or landscape areas and any exterior building illumination. Such plan shall include the types and intensities of illumination to be utilized and the location, height and direction of such equipment.
 12. Development phasing.
 13. Specific data and/or reports reflecting the impact of the proposed development on traffic patterns, traffic loads and public services, including, but not limited to, water, sewerage and other utilities.
 14. Other information of a similar character which the Planning and Zoning Commission and/or Board of Aldermen may designate.

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- E. Upon the filing of the application and Master Development Plan with the Director of Public Works, it shall be referred to the Planning and Zoning Commission for review, study, and report. The Planning and Zoning Commission shall review the application and Master Development Plan and shall report to the Board of Aldermen, within one hundred (100) days of the date of the next regular meeting of the Planning and Zoning Commission following the filing of the application, with its recommendations as to the application and development plan including recommendations for phasing of the development if applicable. The report of the Planning and Zoning Commission may also include findings as to the impact of the proposed development on public roadways and other public services and/or recommendations as to the timing of such development in conjunction with the availability of such roadways or public services. If no such report is made, the Planning and Zoning Commission shall be deemed to have approved the application upon the expiration of the one hundred-day period aforesaid, unless the applicant shall agree in writing to an extension of such time limitation.

The Board of Aldermen may, in its sole discretion, conduct a public hearing concerning the same after having given notice of the time, place, and purpose of such public hearing by at least one (1) notice in a newspaper of general circulation within the City of Des Peres at least fifteen (15) days prior to the date of the public hearing.

The Board may either approve, disapprove, or modify and then approve the application and the Master Development Plan, or it may return the same to the Planning and Zoning Commission for further study and report. The Board of Aldermen may also approve the Master Development Plan conditionally upon the contingency that no building and/or occupancy permit may be issued with respect to the development until the completion or improvement of roadways and/or other public services sufficient to serve the development without detrimental impact upon surrounding users of such facilities has been accomplished. In the event of such conditional approval, the specific contingencies which must be satisfied shall be recited by the Board in the document of action on the proposed development.

- F. At the request of the applicant, application for and consideration of Preliminary and Master Development plans may be consolidated. In such cases, the application shall be treated as an application for a Master Development Plan and all materials and data required for Preliminary and Master Development Plans shall be submitted and considered concurrently. If a consolidated application is submitted, at least one public hearing before the Board of Aldermen shall be required.
- G. Any ordinance or resolution of the Board of Aldermen and any report of the Planning and Zoning Commission with reference to either a Preliminary Development Plan or a Master Development Plan shall refer specifically to and incorporate by reference the plans, drawings, renderings, reports, descriptions and other documents supporting the application considered and acted upon by the Board or Commission.

The Director of Public Works shall maintain a permanent file with respect to each development for which a Preliminary or Master Development Plan has been approved by the Board of Aldermen, which file shall include a true copy of the ordinance or resolution and any exhibits attached thereto, including at least one set of all plans and documents referenced therein which shall have been authenticated thereon by the Director of Public Works as being true and accurate copies of the plans and documents to which the Board of Aldermen had reference in adopting such ordinance or resolution.

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- H. No building permit shall be issued to construct any part or all of the development until such time as: (a) the Board of Aldermen has approved the Master Development Plan; and (b) the approved Plan has been recorded with the office of the Recorder of Deeds for St. Louis County, Missouri; and (c) there is posted and filed with the Director of Public Works a performance bond or a performance escrow sufficient to insure [ensure] to the city the completion of all public improvements, approved landscaping and restoration of the remaining portions of the development area if any improvements are undertaken but not completed, in an amount as determined by the Board of Aldermen and in a form approved by the City Attorney and the Board of Aldermen; and (d) unless the construction plans meet all requirements of the City of Des Peres.
- I. Any transfer of ownership or lease of property shall include in the transfer or lease agreement a provision that the purchaser or lessee agrees to be bound by the conditions herein set forth and the approved Master Development Plan for the property. There shall be adequate legal provisions to insure [ensure] that the Master Development Plan approved will be actually constructed and completed and that any common areas will be properly protected and maintained, and in order to effectuate this paragraph, it may be required as a condition of approval of the Master Development Plan that the Master Development Plan be recorded with the St. Louis County Recorder of Deeds and that deed restrictions or a trust indenture be executed and recorded.
- J. Any property as to which a Master Development Plan under this section has been approved as aforesaid may thereafter be used only in compliance with the terms of such approved Master Development Plan. Any person seeking to alter or amend any uses or structures may do so only if an appropriate amendment to the approved Master Development Plan has been approved by the Board of Aldermen. Applications for an amendment to an approved Master Development Plan shall be subject to the same procedures, fees and requirements pertaining to original applications for Preliminary and Master Development Plans as set forth above.

Section 412.020: - Other Provisions Applicable to Site Plan Review Requirements

- A. All nonresidential uses shall be subject to the general provisions for commercial development in the City of Des Peres (**Chapter 406, Section 406.035** of this Title).
- B. All uses within the District shall be subject to requirements for off-street parking in the City of Des Peres (**Chapter 410** of this Title).
- C. The sale, display or storage of goods and merchandise in other than a completely enclosed building shall comply with the provisions of **Section 404.035, D, 4** of this Title.
- D. Notwithstanding other applicable requirements of this Chapter or this Title, any master development plan for new construction, rehabilitation of existing of existing buildings, or redevelopment of properties within any zoning district in the City of Des Peres is required to comply with the applicable provisions of **Chapter 6, Buildings and Building Regulations** of the Municipal Code and as this Chapter may be amended.

CHAPTER 414 – NON-CONFORMITIES**Section 414.005: - Definitions**

- A. A nonconforming use is a use of land or of a building or other structure which was lawful when that use commenced and which ceased to conform to the appropriate district regulations solely because of a change in those regulations.
- B. A nonconforming structure is any building or structure or any part of a building or structure which was lawful when it was fully commenced and which ceased to conform to the appropriate district regulations solely because of a change in those regulations. For the purpose of this subsection, "fully commenced" means that a permit was lawfully issued on the basis of completed plans, and in the case of the construction of a new building or structure, construction of the foundation was completed before the effective date of the change in regulations.
- C. Where the principal use of a lot is in compliance with the applicable regulations and where accessory uses are not, but are nonconforming uses under this section, then:
 - 1. The provisions of this chapter relating to continuation, discontinuation and expansion or alteration shall apply to each separate use individually.
 - 2. The provisions of this chapter relating to destruction and reconstruction shall apply to the total use of the lot and all uses, conforming and nonconforming, shall be deemed a single, nonconforming use.
 - 3. The provisions of this chapter which relate to signs and parking shall apply fully.

Section 414.010: - Occupancy Permits in Certain Cases

Where a nonconforming structure has been constructed under a valid permit, and where that structure is completed within one (1) year of the effective date of the change in regulations which rendered it nonconforming, then where applicable, a certificate of occupancy shall be issued for that structure.

Section 414.015: - Continuation and Discontinuation

- A. A nonconforming use may continue as a lawful use until it is discontinued, whether or not the use is in a building designed for that use. Once a nonconforming use has been discontinued it may not be resumed. The term "discontinued" shall mean and include: a change of use; or a cessation or abandonment of use accompanied by an intent not to resume such use. Any of the following circumstances shall be prima facie evidence of an intent to cease or abandon a use:
 - 1. The establishment of some use other than the lawful nonconforming use at issue; or
 - 2. Any act indicating such intent; or
 - 3. Any failure to take all necessary steps to resume the nonconforming use with reasonable dispatch in the circumstances, including advertising the property for sale or lease; or
 - 4. In the case of a structure or a combination of land and structure, discontinuation of the nonconforming use for twelve (12) consecutive months; or

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5. In the case of land only, discontinuation of the nonconforming use for ninety (90) consecutive days or for a total of six (6) months during any one-year period.
- B. A nonconforming use may be changed to a use permitted in the district in which the property is located. If the proposed new use is one which requires a condition or special use permit, the procedures for such permit must be followed before the new use may be undertaken.
 - C. No nonconforming structure may be altered, expanded or otherwise changed and no nonconforming use may be extended, enlarged or expanded except:
 1. As may be required to conform to health or safety codes applicable to the premises; or
 2. A structure may be altered to bring it into conformity with the applicable regulations; or
 3. A use may be changed to one which is permitted in the district in which the property is located; or
 4. A structure which is nonconforming solely by reason of violation of one (1) or more of the following requirements for the district in which it is located, to wit: (i) minimum front, side or rear yard, (ii) minimum lot width, or (iii) minimum lot area, and which violation(s) does not infringe upon the respective required minimum standard by more than thirty-three and one-third (33 1/3) percent, may be altered, expanded or otherwise changed if:
 - a. The structure is used exclusively in association with a use permitted in the zoning district in which the property is located; and
 - b. Any expansion or accessory structure would be no greater than twenty-five (25) percent of the main floor area of the structure; and
 - c. The alteration, expansion or other change is in conformity with all applicable zoning regulations and will not increase the extent to which the structure violates the yard requirements applicable to the property.

Section 414.020: - Destruction, Construction and Repair

- A. When a nonconforming building or structure, including a sign, is damaged to the extent of over 60 percent of its fair market value immediately previous to that damage, it shall not be restored except in conformity with the applicable district regulations.
- B. When a building or structure in which a nonconforming use exists is damaged to the extent of 60 percent of its fair market value immediately previous to that damage, that nonconforming use shall not be resumed.
- C. When a building or other structure is reconstructed to the extent of 40 percent or more in floor area, that building or structure shall have sufficient parking spaces as provided in this Title upon reconstruction or repair.

Section 414.025: - Abatement of Nonconformities—Parking Lots

All parking areas which are specifically regulated by this Title shall conform to the provisions of this Title regarding the placement and grading of entrances and exits, and the establishment and

maintenance of planting areas between the curb of the lot and the sidewalk by January 1, 1980. No commercial parking lot which does not meet the requirements of this Title regarding grading and placement of entrances and exits, or planting areas, may provide for parking within sixty-five feet of the center line of Manchester Road.

CHAPTER -416 – TELECOMMUNICATION ANTENNAE AND SUPPORT STRUCTURES**Section 416.005: - Purposes**

- A. Provide for the appropriate location and development of telecommunications facilities and systems to better serve the citizens and businesses of the City of Des Peres and the metropolitan St. Louis area;
- B. Encourage placement of new telecommunication facilities on publicly owned land or similar lands owned by not-for-profit entities to maximize the benefits to the community which must also endure the aesthetic impact of placement of such towers within the community;
- C. Minimize adverse visual impacts of antennae and antenna support structures through the careful design, siting, landscape screening and innovative camouflaging techniques;
- D. Maximize the use of existing and new antenna support structures through co-location so as to minimize the need to construct new or additional facilities;
- E. Maximize and encourage the use of disguised support structures so as to ensure the architectural integrity of designated areas within the city and the scenic quality of protected natural habitats; and
- F. Comply with the restrictions imposed upon cities under the Telecommunications Act of 1996.

Section 416.010: - Definitions

As used in this section, the following terms shall have the following meanings:

Antenna: Any device or array that transmits and/or receives electromagnetic signals for voice, data or video communication purposes including, but not limited to, television, AM/FM radio, microwave, cellular telephone and similar forms of communications, but excluding satellite earth stations less than six (6) feet in diameter, any receive-only home television antennae and any antenna supported by a structure not greater than sixty-two (62) feet in height which is owned and operated by an amateur radio operator licensed by the FCC.

Antenna Support Structure: Any structure designed and constructed for the support of antennae, including any tower or disguised support structure, but excluding those support structures not greater than sixty-two (62) feet in height owned and operated by an amateur radio operator licensed by the FCC. For purposes of this section the term antenna support structure shall also include any related and necessary cabinet or shelter.

Building: A structure, other than a single-family residence, not constructed primarily for the support of antenna but which may be utilized for such purpose in accordance with this section.

Cabinet: A casing or console, not to include a shelter, used for the protection and security of communications equipment associated with one or more antennas, where direct access to equipment is provided from the exterior and the horizontal dimensions of which do not exceed four (4) feet by six (6) feet.

Co-Use: The location and use of two (2) or more antennae on a single antenna supporting structure.

Director: The Director of Public Works of the City of Des Peres, Missouri, or his/her designee.

Disguised Support Structure: Any freestanding, manmade structure designed for the support of antennae, the presence of which is camouflaged or concealed as an architectural or natural feature. Such structures may include but are not limited to clock towers, campaniles, observation towers, pylon sign structures, water towers, artificial trees, flag poles and light standards.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

Freestanding Tower: A tower designed and constructed to stand alone on its own foundation and free of architectural or supporting frames or attachments, including but not limited to self-supporting (lattice) towers and monopoles.

Height: The vertical distance measured from the base of a structure at ground level to its highest point, including the main structure and all attachments thereto.

Shelter: A building for the protection and security of communications equipment associated with one or more antennae where access to equipment is gained from the interior of the building. Human occupancy for office or other uses or the storage of other materials and equipment not in direct support of the connected antennae is prohibited.

Standard Outdoor Advertising Structures: All signs which advertise products, services or businesses which are not located on the same premises as the sign, including billboards, detached pole signs on separate parcels, wall signs and signs otherwise attached to buildings and/or supported by uprights or braces on the ground.

Tower: A structure designed for the support of one or more antennae, including self-supporting (lattice) towers, monopoles or other freestanding towers, or guyed towers, but not disguised support structures or buildings. This term shall exclude those support structures not greater than sixty-two (62) feet in height owned and operated by an amateur radio operator licensed by the FCC.

Section 416.015: - Permitted Uses

Antennae or towers may be constructed, repaired or modified upon receipt an appropriate building permit issued by the Director of Public Works which meets the following criteria:

- A. The attachment of additional antenna or the replacement of antenna to any tower or the addition or replacement of antenna equipment cabinets existing on the effective date of this ordinance or subsequently approved in accordance with these regulations provided that additional antenna cabinets are located within the existing antenna support site.
- B. The mounting of antenna in or on any existing building or structure provided that the height of the antenna does not exceed twenty (20) feet from its mounting and that such use is not otherwise prohibited by ordinance.
- C. The installation of the antenna or tower is located on land owned by the City of Des Peres and subject to approval of a lease agreement by the Board of Aldermen.

- D. The installation or mounting of antennae on any existing high voltage utility towers located in any commercial zoning district of the city provided that the installation is in compliance with design criteria provided in this Code.
- E. The installation of stealth antenna as a part of a building or structure, including church steeple, building cupola or flagpole, which building or structure is otherwise allowed by code in the district in which located and all related equipment is contained within the building, placed underground or contained within cabinets as defined herein.
- F. Co-location of additional antennae on a tower for which a conditional use permit has been granted by the Board of Aldermen in accordance with the provisions of this Code.
- G. The placement of dual polar panel antennas on wooden or steel utility poles not to exceed a total height of forty (40) feet including provided that all related equipment is contained within a cabinet which is not placed within the right-of-way of any street or highway.
- H. The maintenance, without alteration of the size or height, of any antenna support structures existing on the date of enactment of this ordinance.

In granting a building permit for construction, alteration or modification of an antenna or tower permitted under this section, the Director of Public Works may require placement of landscaping or attach other conditions consistent with the intention of this section. In the event the Director shall refuse to issue said permit due to noncompliance with the provisions of this Code, said decision is subject to the Planning and Zoning Commission.

Section 416.020: - Conditional Uses

All antenna and telecommunication towers installed, built or otherwise modified after the date of this ordinance not expressly permitted in subsection C. herein, shall require a conditional use permit issued in accordance with the procedures contained in **Chapter 408, Section 408.015**, Conditional Use Permits: Commercial Use and **Section 408.020**, Conditional Use Permits: Residential Area of the Municipal Code.

A conditional use permit shall be required for construction or modification of the following antennae or towers:

- A. All freestanding towers constructed after the effective date of this ordinance located within any zoning district of the city.
- B. The installation or mounting of antenna on any existing high voltage utility towers located in any residential zoning district of the city.
- C. Any towers, freestanding or otherwise, where the combined height of the tower and antenna exceeds one hundred (100) feet in height.
- D. For construction of a shelter, in lieu of cabinets or underground storage facilities, for protection and storage of communications equipment associated with one or more antennae.

Section 416.025: - Prohibited Uses

- A. No freestanding towers shall be permitted in residentially-zoned districts absent a determination of necessity by the Board of Aldermen in accordance with **Section 416.050, J.** herein.
- B. No towers, freestanding or otherwise, where the combined height of the tower and antenna exceeds one hundred (100) feet from ground level at the base of the tower or grade plane of the building upon which it is located absent a determination of necessity by the Board of Aldermen in accordance with **Section 416.050, J.** herein.
- C. Guyed towers are prohibited absent a determination of necessity by the Board of Aldermen as provided in **Section 416.050, J.** herein.
- D. Utilization of shelters in lieu of cabinets or underground facilities for housing of related equipment for antenna or towers located within residential zoning districts.
- E. Unless a disguised support structure is in the form of a standard outdoor advertising structure, the placement of advertising or signs on antenna support structures is prohibited.

Section 416.030: - General Conditions

The general criteria and preferences for granting permits under this section same and the regulations governing antenna support structures shall be as follows:

- A. **Building Codes and Safety Standards.** All antennae and antenna support structures shall meet or exceed the standards and regulations contained in applicable state and local building and electrical codes as well as the applicable standards published by the Electronics Industries Association, as amended from time to time.
- B. **Regulatory Compliance.** All antennae and antenna support structures shall meet or exceed current standards and regulations of the FAA, FCC and any other federal or state agency with the authority to regulate antennas and support structures. Should such standards or regulations be amended, then the owner shall bring such devices and structure into compliance with the revised standards or regulations within six (6) months of the effective date of the revision unless an earlier date is mandated by the controlling agency.
- C. **Security.** All antennae and antenna support structures shall be protected from unauthorized access by appropriate security devices. A description of proposed security measures shall be provided as part of any application to install, build or modify antennas or support structures. Additional measures may be required as a condition of the issuance of any permit as deemed necessary by the Director of Public Works or the Board of Aldermen.
- D. **System Design.** Prior to the issuance of any permit, the applicant shall demonstrate how the proposed site fits into the applicant's overall telecommunications network in the St. Louis County area.
- E. **Lighting.** Antennae support structures shall not be lighted unless required by the FAA or other federal or state agencies with authority to regulate, in which case, a description of the required lighting scheme will be made a part of the application for conditional use permit.

F. Design.

1. Use of antenna support structures and buildings are preferred, as are locations wherein the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.
2. Antennas and antenna support structures should be architecturally and visually compatible with surrounding existing buildings, structures, vegetation and/or uses in the area or those likely to exist under the regulations of the underlying zoning district.
3. Antenna support structures, except disguised support structures, shall maintain a galvanized steel finish or, subject to the requirements of the city or the FAA, FCC or any applicable federal or state agency, be painted a neutral color consistent with the natural or built environment of the site.
4. Cabinets shall have an exterior finish compatible with the natural or built environment of the site, and shall also comply with such other reasonable design guidelines as may be required by the city.
5. Antennae mounted on buildings should be made to appear as unobtrusive as possible by location of said antenna as far away as feasible from the edge of the building and by painting them a color consistent with the natural or building backdrop of the antenna.
6. Towers shall be surrounded by a landscape strip of not less than ten (10) feet in width and planted with materials which will provide a visual barrier to a minimum height of six (6) feet. Evergreen trees shall be a minimum of six (6) feet tall and deciduous trees not less than two and one-half (2½) inches in caliper at time of planting.

Said landscape strip shall be exterior to any security fencing. In lieu of the required landscape strip, a minimum six (6) foot high decorative masonry fence or wall may be approved by the city upon demonstration by the applicant that an equivalent degree of visual screening is achieved.

G. Location and Setback.

1. Generally, sites in the non-residentially-zoned areas of the city are preferred. Further, the city prefers placement of new towers or antennae on-sites which allow for the benefit of lease payments to accrue to the community as a whole by placement of said towers on publicly-owned land or other sites owned by churches, schools or other nonprofit [non-profit] entities.
2. No antenna support structures, excluding disguised support structures, shall be located within one-half mile of another, preexisting antenna support structure absent a determination of necessity by the Board of Aldermen in accordance with **Section 416.050, J.** of this Code. The distance between such structures is to be measured from the center of the base of the existing structure to the center of the base of the proposed structure.
3. Antenna support structures, except disguised support structures, shall not be located within two hundred (200) feet of any residential structure.

4. All towers shall be separated from any residential structure a distance equal to the height of the tower. Towers on parcels adjacent to residentially-zoned property shall, at a minimum, meet the setbacks of the applicable zoning district as required for the principal structure along the adjoining property lines. No tower may be placed on residentially-zoned property closer to any residential structures on adjoining properties than the distance from the tower to the principal structure located on the lot on which the tower is located.
- H. Height. Antenna support structures shall not exceed a height of one hundred (100) feet in any of the city's zoning districts, unless a different height is authorized to facilitate co-location of additional antennae upon a determination of necessity by the Board of Aldermen under **Section 416.050, J.** herein.
- I. Antennae located on buildings or other antenna support structures shall not exceed twenty (20) feet in height from the top of the structure to which attached absent a finding of necessity by the Board of Aldermen under **Section 405.014 J.** herein.

Section 416.035: - Co-Use of Locations

It is the desire of the city that any new towers or antenna support structures be designed to allow for co-use in order to minimize the number of such towers required in the community. Prior to the issuance of any conditional use permit the applicant shall:

- A. Submit a notarized statement agreeing to make the proposed antenna support structure available for use by others, subject to reasonable technical limitations and financial terms.
- B. Furnish an inventory of all known antenna support structures and potential building sites located within one-half mile of the proposed structure site, identifying the owner of same as well as the antenna support structure's type and reference name or number, if applicable, and the street location, latitude and longitude, Height, type and mounting height of existing antennae and an assessment of available space for the placement of additional antennae, shelters and/or cabinets.
- C. The applicant shall further demonstrate that he or she has requested co-use of each existing building or antenna support structure from the owner thereof and/or shall indicate why such co-use is inappropriate or was otherwise not allowed.
- D. Antenna support structures may be constructed or modified so as to exceed the height limitations provided in [sub] section F.8. herein to accommodate co-use. An applicant may request an extension of twenty (20) additional feet per co-user, whether actual or anticipated, up to a limit of forty (40) additional feet. The city may also require the applicant of new construction to exceed the applicable limitation, regardless of whether a co-user is immediately available to share space with the applicant.
- E. In the event that a conditional use permit is granted for the construction of a new antenna support structure, the applicant shall notify in writing any other known potential service providers in that area that the structure will be available for co-use. Said notices shall issue on or before the day on which the applicant submits to the city an application for building permit for the structure. The notice shall allow potential co-users thirty (30) days within which to express any interest in co-use, during which time the applicant shall not commit to a design for

the structure which precludes co-use, and the city shall not issue a building permit until such time has expired.

- F. Any new tower constructed at a height in excess of sixty-two (62) feet above ground level shall be designed and constructed to accommodate at least one (1) additional user unless a larger number is indicated by the city.
- G. The willful and knowing failure of an applicant to agree to co-use or to negotiate in good faith with potential co-users may be cause for either the denial of a pending application, the revocation of an existing conditional use permit, and/or the withholding of future similar permits to the applicant.

Section 416.040: - Miscellaneous

- A. If a guyed tower is authorized by the Board of Aldermen pursuant to [sub] section E.4. herein, its ground anchors shall be located on the same parcel as the tower and such anchors shall meet the setbacks required for accessory buildings within the zoning district.
- B. Vehicle or outdoor storage on the site of any antenna support structure is prohibited.
- C. On-site parking for periodic maintenance and service shall be provided at all locations of antenna support structures.
- D. Any antenna support structure no longer used for its original communications purpose shall be removed at the owner's expense. The owner and applicable co-users shall provide the city with a copy of any notice to the FCC of intent to cease operations and shall have ninety (90) days from the date of ceasing operations to remove the antenna support structure and any related facilities. In the case of co-use, this provision shall not become effective until all users cease operations. Any antenna support structure not in use for a period of one (1) year shall be deemed a public nuisance and may be removed by the city at the owner's expense.
- E. Prior to the issuance of a building or conditional use permit, the city may require indemnification and bonding as the city deems appropriate.
- F. Prior to the issuance of a building or conditional use permit, the city may require submittal of easement documents, lease agreements or other documentation of evidence of the right to utilize said property for location of telecommunication facilities.

Section 416.045: - Findings for Issuance of Conditional Use Permits

In addition to other determinations required by the Zoning Code for issuance of conditional use permits, the Board of Aldermen shall state findings and conclusions on the following prior to issuance of a conditional use permit for telecommunication towers or support structures:

- A. That the proposed antenna is necessary to meet the applicant's system engineering requirements.
- B. If the proposed antenna support structure is not within a potential antenna site area designated by the Telecommunications Master Plan, the reasons why such structure cannot be located within such an area.

- C. If the proposed antenna support structure is new, the limiting conditions that render existing towers, structures or buildings unsuitable.
- D. If the proposed tower or antenna is within one-half mile of another antenna support structure, the reasons why co-location is unsuitable or impractical.
- E. That the design of the tower or structure, including antenna, shelter and ground layout, maximally reduces visual degradation and otherwise complies with the intent of this ordinance.
- F. The proposal minimizes the number and size of towers or structures that will be required in the geographic area surrounding the proposed site.
- G. Whether the fees, costs, or other contractual terms required by an owner to lease, modify or otherwise provide for co-use on an existing and suitable antenna support structure or building are reasonable. Costs exceeding that of a new antenna support structure are presumed unreasonable.

If the Board of Aldermen determines that an application meets the criteria established herein and is otherwise in accordance with this section, the Board shall grant a conditional use permit, subject to whatever conditions the Board deems appropriate.

The Board may determine that, although an application does not meet the strict requirements of the criteria and preferences established herein, the general purpose and intent of said criteria and preferences are not offended because of the particular circumstances presented. If such a determination is made, the Board may vary the application of the criteria and preferences and grant a conditional use permit, subject to whatever conditions the Board deems appropriate.

Any decision by the Board of Aldermen to deny a conditional use permit shall be in writing, based upon the evidence adduced, and shall make specific findings of fact consistent with the criteria, preferences and considerations established herein.

Section 416.050: - Determination of Necessity

The Board of Aldermen, upon a determination of necessity that strict application of the criteria and preferences contained herein would effectively preclude the applicant's reception and/or transmission of signals and that the applicant's proposed location and height are a matter of absolute engineering and economic necessity in order to ensure the completion of the applicant's network, may allow facilities not in strict conformance with the Telecommunications Master Plan or other provisions of this Code relating to spacing, height and co-location.

CHAPTER 418 – ADMINISTRATION, ENFORCEMENT, AND FEES**Section 418.005: - Violations**

- A. The failure to perform any duty, apply for any required permit or license, or to conform to the requirements of this Title shall be deemed a violation of this Title and shall subject all persons responsible for that failure to penalties set forth in this Title.
- B. Any building, structure, use of activity which is in violation of the provisions of this Title shall be deemed a violation of this Title and subject the owner and operator to any enforcement actions and penalties set forth in this Chapter.

Section 418.010: - Enforcement

- A. The Director of Public Works or his or her designee shall be the Zoning Enforcement Officer and shall be responsible for the enforcement of this Title. Any action of the Director of Public Works shall be appealable as if it were the denial of a permit.
- B. The Director of Public Works is authorized to require the City Attorney to bring any action for coercive or other relief in the name of the City of Des Peres to abate or prevent violation of any provision of this Title or of any regulation or rule made under the authority of any of the provisions of this Title.
- C. Any resident or owner of property in the City of Des Peres who is affected by the violation of any provision of this Title may bring any action for coercive or other relief to abate or prevent that violation.
- D. The owner, operator, lessee, tenant, and any person in actual or legal possession of any portion of a building or other structure or of any land, and any person who is otherwise responsible for a violation of this Title shall be subject to a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for every day of violation. If the violation is made knowingly, then as to that violator the fine shall be not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) or ten (10) days imprisonment or both, for each day of violation. Where a violation continues after notice, if it is had or reasonably should be had by a person who is authorized to discontinue it, then after that notice was or reasonably ought to have been had by that person, the violation will be deemed knowingly made by him.
- E. Any person who has been served with an order to remove or abate the violation stated in the order, and who fails to comply with that order, shall be liable in the amount of Two Hundred Fifty Dollars (\$250.00), in addition to any penalties imposed under subsection D.

Section 418.015: - Fees

All applications for procedures under **Appendix C**, the Zoning Code of the City of Des Peres and **Chapters 404, 406, 412, and 418** and related components of the Des Peres municipal code (**Appendix A, Signs and Appendix B, Subdivision Regulations, Chapter 420**) shall be made on forms provided for that purpose by the Department of Public Works and shall be accompanied by payment of the fees established for each procedure. Other fees may be applicable under other provisions of the Des Peres municipal code.

Section 420.005: - Amendments

The Board of Aldermen may amend this Title on its own motion or on petition after submission of the proposed amendment to the Planning and Zoning Commission for its recommendation and report and a hearing. Petitions shall be made by application and payment of fees as per **Chapter 408, Section 408.010 A. 1. and 2.**

- A. The Board of Aldermen shall hold a hearing on the proposed amendment at least fifteen (15) days after the publication of a notice of the hearing as provided by law.

- B. If the Planning and Zoning Commission disapproves the change, or if a protest against the proposed amendment is signed and acknowledged by the owners of thirty (30) percent or more of the area of land (exclusive of streets and places) included in the proposed change, or within an area defined by lines drawn parallel to and one hundred eighty-five (185) feet from the boundaries of the area of the proposed change, the amendment shall not be effective unless it is adopted by two-thirds ($2/3$) of the members of the Board of Aldermen. Otherwise, the amendment shall be effective on the majority vote of the Board of Aldermen.