

**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.