

City of Ellisville, MO
Friday, November 18, 2022

Chapter 400. Zoning Regulations

Article V. Commercial Zoning Districts

Section 400.310. "C-5" Planned Commercial District.

[R.O. 2005 §30-47; Ord. No. 2313 §1, 4-21-1999; Ord. No. 2481 §6, 2-6-2002; Ord. No. 2932 §8, 2-4-2009; Ord. No. 2948 §4, 7-15-2009; Ord. No. 3095 §1, 12-19-2012; Ord. No. 340112-19-2018]

- A. Purpose. This Section contains the district regulations of the "C-5" Planned Commercial District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter which are incorporated as part of this Section by reference. The Planned Commercial District may be described in the manner outlined below. The "C-5" Planned Commercial District encompasses areas where developments and uses authorized in any of the other "C" Commercial Districts may be located. It is the purpose of these regulations to facilitate the establishment of combinations of developments and uses for which no provision is made in any other single "C" Commercial District or the establishment of developments and uses in locations appropriate under approved site plans and conditions. Such approved plans and conditions shall be consistent with good planning practice and compatible with permitted developments and uses in adjoining districts, so as to protect the general welfare. Development and uses authorized in any Planned Commercial District will be based on guidance from the land use element narrative and land use plan contained in the currently adopted Ellisville Comprehensive Plan.
- B. Permitted Uses. The following land uses and developments are permitted in this district:
1. Authorized land uses and developments shall be established in the conditions of the ordinance governing the particular Planned Commercial District; specific uses may include those uses designated as permitted, accessory or conditional uses in any of the "C" Commercial Districts.
- C. Performance Standards. All uses established in a Planned Commercial District shall operate in accord with "performance standards" as contained in Section **400.170**. These performance standards are minimum requirements and may be made more restrictive in the conditions of the ordinance governing the particular Planned Commercial District.
- D. Height Requirements. The total height of any structure shall be limited to thirty (30) feet unless higher heights are conditioned with setback, landscape buffer, fence and/or wall requirements.
- E. Area Requirements. The lot area, development limitation and yard requirements for land uses in this district shall be as follows:
1. Minimum Lot Area. No minimum lot area shall be required for this district, but lot dimensions shall be sufficient to meet other requirements set forth in this Section or in the conditions of the ordinance governing the particular Planned Commercial District.
 2. Development Limitations. Not more than one (1) dwelling unit per each twelve thousand (12,000) square feet of lot area designated for such use shall be permitted in structures containing offices with affiliated dwelling units.
 3. Minimum Yard Requirements — General. Setbacks for parking areas, internal drives, loading spaces and structures shall be established in the conditions of the ordinance governing the

particular Planned Commercial District. The required setbacks shall be of appropriate size to ensure compatibility with adjoining developments or uses, and to mitigate, to a reasonable degree, any negative impacts associated with the planned development.

Boundary walls or fences, six (6) feet in height or less, are permitted within the minimum yard requirements, unless otherwise restricted in the conditions of the ordinance governing the particular Planned Commercial District.

4. Pedestrian Accommodations And Amenities. Pedestrian accommodations and amenities, including, but not limited to, sidewalks, street furniture, pedestrian level lighting, and landscaping, shall be provided within the front setback, between the building facade and street.
- F. Off-Street Parking And Loading Requirements. The required off-street parking and loading requirements for any use or building in a Planned Commercial District shall be as set forth in Section **400.490**, Parking and Loading Requirements.
Within the Town Center, as defined in Section **400.090**, parking shall be located behind the front building line.
- G. Sign Regulations. Specific sign regulations shall be the same as those contained in Chapter **410**, Signs and Advertising Devices of the Municipal Code.
- H. Waivers. The City Council shall have the authority to waive any of the requirements of Subsection **(C)** through Subsection **(G)**.
- I. Establishment. A "C-5" Planned Commercial District and approval of the associated site development concept plan may be established on a tract of land in single ownership or management control. A "C-5" Planned Commercial District is established by ordinance of the Council in the same manner that other mapped districts are established where the Council determines that any particular tracts or areas should be developed for commercial use, but because of possible conflicts with adjoining uses, more development control is necessary to protect the general welfare than is possible under the regulations of the other "C" Commercial Districts.

1. Application. The owner or owners of record or owners under contract of a lot or tract of land or their authorized representatives shall petition the City on forms prescribed for this purpose. These forms are to be submitted to the City Planner and accompanied by the following:
 - a. Filing fee per requirements;
 - b. Legal description of the property;
 - c. Outboundary plat of the property;
 - d. Site development concept plan depicting, but not limited to, the following:
 - (1) Proposed Uses. Permitted uses, conditional uses, accessory uses including maximum floor areas.
 - (2) Structures And Parking Areas. In single-lot developments approximate location of buildings and other structures as well as parking areas shall be indicated. In multiple-lot developments, conceptual location and configuration of buildings, approximate locations of common ground areas, major utility easements and storm water retention areas shall be indicated.
 - (3) Performance standards;
 - (4) Height limitations;
 - (5) Minimum yard requirements, including dimensions, for all structures, parking areas, internal drives, loading spaces and structures;
 - (6) All fences and walls;

- (7) Off-street parking and loading facilities, including a table depicting proposed and required parking requirements;
 - (8) Existing and proposed contours at vertical intervals of not more than five (5) feet referred to sea level datum. Floodplain areas shall be delineated;
 - (9) Approximate location of all isolated trees having a trunk diameter of six (6) inches or more, all tree masses and proposed landscaping;
 - (10) Two (2) section profiles through the site showing preliminary building form, existing natural grade and proposed final grade;
 - (11) Proposed ingress and egress to the site, including adjacent streets and approximate alignments of internal roadway systems;
 - (12) Preliminary plan for sanitation and storm drainage facilities.
2. Staff Procedure. The City Planner shall review the submittal for deficiencies. Within fifteen (15) days of receipt of the application, the City Planner shall notify the applicant of any deficiencies or the application shall be accepted for consideration before the Planning and Zoning Commission, unless said timeframe is mutually waived. Applicant must respond to the City Planner's list of deficiencies within thirty (30) days or the application is deemed void, unless such timeframe is mutually waived. Applications are scheduled for consideration by Planning and Zoning when all submission requirements are met. Upon receipt of the application, which has been determined to be complete by the City Planner, the application shall be referred to the Planning and Zoning Commission. However, if staff determines an application to be incomplete, the applicant may request, in writing, that the application be forwarded to the Planning and Zoning Commission nonetheless.
 3. Planning And Zoning Commission Procedure. The Planning and Zoning Commission shall hold a public hearing before their body. The Planning and Zoning Commission shall investigate and make a report and recommendation on such proposed "C-5" Planned Commercial District and associated Site Development Concept Plan. The recommendation shall be based upon general planning considerations, including consistency with good planning practices and compatibility with adjoining permitted developments and uses. A recommendation of approval shall include recommended conditions to be included in the ordinance authorizing the establishment of the Planned Commercial District or approval of the site development concept plan in a Planned Commercial District. Such report and recommendation shall be filed with the Council within sixty (60) days of official submission to the Commission unless said time period is extended by mutual agreement in writing. The failure of the Commission to act within sixty (60) days after the date of official submission to it shall be deemed approval. The "date of official submission" shall mean the date of the first official Planning and Zoning Commission meeting during which the application is received and placed on the agenda for consideration.
 4. City Council Procedure. Upon receipt of the report and recommendation of the Planning and Zoning Commission, the Council shall hold a public hearing in relation to the application. The City Council may, at its discretion, add to or delete conditions recommended by the Planning and Zoning Commission. The City Council may refer the application back to the Planning and Zoning Commission for further study before making its final decision. The decision rendered by the City Council shall require a simple majority vote except that a vote of at least two-thirds (2/3) of all the members of the City Council will be required to approve any application which fails to receive a favorable Planning and Zoning Commission recommendation.
 5. Final Site Development Plan. After passage by the Council of an ordinance authorizing the establishment of a Planned Commercial District and approval of the site development concept plan, a final plan(s) shall be submitted to the City Planner for review and approval. The City Planner shall ascertain the final plan(s) complies with the minimum and maximum requirements established in the conditions of the specific ordinance governing the Planned Commercial District and, further, complies with provisions of the subdivision ordinance and other applicable City ordinances. Within sixty (60) days of approval, the final site development

plan shall be recorded with the St. Louis County Recorder of Deeds and thereby authorize development as depicted thereon.

- J. Procedure For Amendment Of Conditions Or Recorded Plans. In order to amend the provisions of an existing "C-5" District ordinance or to amend the recorded site development plan approved for the Planned Commercial District, the procedure shall be as follows:
1. The property owner or authorized representative shall submit a written request to amend ordinance conditions or to amend the recorded site development plan approved for the Planned Commercial District to the City Planner for review.
 2. Upon receipt of the City Planner's review, the Planning and Zoning Commission shall conduct a public hearing on the proposed amendment in accord with proceedings specified in Section **400.180**, Zone Changes to the zoning ordinance. The Planning and Zoning Commission shall then review the proposed ordinance amendment and forward a recommendation to the Council.
 3. The Council will make the final determination of the matter after conducting a public hearing.
 4. All amendments to site development plans shall be recorded with the St. Louis County Recorder of Deeds within sixty (60) days of Council approval.
 5. Exception. Minor revisions to the recorded site development plan(s), which comply with the minimum and maximum requirements established in the conditions of the specific ordinance governing the Planned Commercial District, the provisions of the subdivision ordinance and other applicable City ordinances, may be approved by the City Manager.
- K. Guarantee Of Improvements. Unless otherwise provided for in the conditions of the ordinance governing a particular Planned Commercial District, no building permits or permits authorizing the occupancy or use of a building, facility, commercial establishment or service concern may be issued until required related off-site improvements are constructed or a performance bond, escrow or other acceptable instrument is posted covering their estimated cost as determined by the City Engineer. This requirement shall not apply to foundation permits or permits necessary for the installation of required related off-site improvements. Required related off-site improvements, shall include, but not be limited to, streets, sidewalks, sanitary and storm sewers, street lights and street trees. If a Planned Commercial District is developed in sections, the requirement shall also apply to all major improvements necessary to the proper operation and function of the section in question, even though such improvements may be located outside of the section in question.
- L. Failure To Commence Construction. Substantial construction shall commence within six (6) months of recording the final site development with the St. Louis County Recorder of Deeds, unless such time period is extended by the City Engineer. "Substantial construction" is defined as the completion of excavation for footings and foundations. If substantial construction or development does not begin within the time period specified in the conditions of the ordinance governing the district or extensions authorized therein, the Planning and Zoning Commission may within forty-five (45) days call for a new public hearing to revert the property to its prior zoning classification in accord with proceedings specified in Section **400.180**, Zone Changes to the zoning ordinance. No building or occupancy permit shall be issued for the development or use of the property until completion of action by the Council on the proceedings to rezone the property in accord with the provisions of the above noted Section.