

Section 400.163. Downtown Overlay District.

A. Purpose of the District. The purpose of this district is to recognize the unique and historic attributes of the area identified as Downtown on the Official Zoning District Map and to encourage the redevelopment and revitalization of this area with a mix of retail, service, office, government, institutional, religious, restaurant and hospitality uses together with residential uses. The regulations of this overlay district are intended to allow greater design flexibility in development than is permitted by the other district regulations. The regulations are further intended to enhance the aesthetic appearance and streetscape of the public and private spaces within the area.

Because of the flexibility afforded by these regulations, the Planning and Development Department will be responsible for researching all property owners whose boundary limits are abutting (excluding right-of-way) the property which is the subject of a site plan submission. The Department shall notify all such abutting property owners of the Planning and Zoning Commission meeting when the site plan will be considered. Notices shall be postmarked at least seven (7) days prior to the Planning and Zoning Commission meeting. In addition, the Planning and Development Department shall erect a sign, at least six (6) square feet in size, on the property advertising notice of the meeting at least seven (7) days prior to the Planning and Zoning Commission meeting.

B. Zoning Categories and Application of Overlay District Regulations to Existing Uses.

1. The following zoning categories and permitted and conditional uses therein are allowed in the Downtown Overlay District:

a. "R-2", "R-3", "R-4", "C-O", "C-1", "C-2", and P-R:

(i). Permitted Uses. The listing of permitted uses in "R-2", "R-3", "R-4", "C-O", "C-1", and "C-2" is set out in Section 400.163.N.

(ii). Conditional Uses. The listing of conditional uses in "R-2", "R-3", "R-4", "C-O", "C-1", and "C-2" is set out in Section 400.163.N.

b. Mixed-Use Traditional Development District. The listing of permitted and conditional uses is set out in Section 400.161.B

2. Existing land uses which are otherwise permitted under the Downtown Overlay District regulations shall be considered conforming uses even if the property has a different zoning category than those set forth in Subsection 1 above.

3. Existing land uses which are not permitted under the Downtown Overlay District shall be considered non-conforming uses. Notwithstanding the provisions of Chapter 400 pertaining to non-conforming uses, the owner of such property may make improvements to the parcel on which the non-conforming use is located as long as the improvements do not result in more than a minor increase in the intensity of the non-conforming use. Under no circumstances shall the property used for the non-conforming use be expanded. Such determination shall be made by the Planning and Zoning Commission as part of site plan review and approval.

Any improvements to property used for a non-conforming use shall comply with the underlying district regulations applicable to such improvements. A non-conforming use shall not benefit from the flexibility afforded by these Downtown Overlay District regulations.

4. Existing land uses which are considered conditional uses under the Downtown Overlay District shall require a conditional use permit before any improvements or changes are made with respect to the parcel or the use.

C. Building/Structure Height. No building or structure should exceed fifty (50) feet or three (3) stories. The Planning and Zoning Commission and City Council may allow additional height to a maximum of six (6) stories when it is determined:

1. The building heights are in appropriate scale to their surroundings both internal and external to the site.
2. Building design and orientation effectively preserve clearly identified significant view corridors from and through the development site.
3. The applicable fire protection district can provide the necessary emergency fire protection and emergency access.
4. The building height will not interfere with St. Charles County's emergency microwave communications system. For purposes of this Subsection, the lack of interference may be shown by submitting a letter from or written findings of the St. Charles County Emergency Communications System Manager after review of the site and building plans.

D. Lot Area Requirements. There are no minimum lot area requirements in this District; provided however that the lot size shall be sufficient to accommodate the proposed use with all appurtenant requirements which shall be determined by the Planning and Zoning Commission as part of site plan review and approval.

E. Lot Coverage Requirements. There are no lot coverage requirements in this District except that a minimum 20% of the lot shall be landscaped green space. However, the Planning and Zoning Commission may require additional landscaping in order to mitigate adverse conditions on surrounding property or may allow additional lot coverage because of unique conditions of the parcel and such is compatible with surrounding areas. Those determinations shall be made by the Planning and Zoning Commission on an individual basis and as part of site plan review and approval.

F. Setback Requirements. Setback requirements shall be consistent with the underlying zoning district. The setbacks can be reduced by the Planning and Zoning Commission to accommodate distinctive layout of improvements on the lot which is consistent with the character of the neighborhood, to protect features on the lot or because of unique conditions of the lot. Such determination shall be made by the Planning and Zoning Commission on an individual basis as reviewed and approved as part of a site plan.

G. Bufferyard Requirements. Setback requirements shall be consistent with the underlying zoning district. The setbacks can be reduced by the Planning and Zoning Commission to accommodate distinctive layout of improvements on the lot which is consistent with the character of the neighborhood or because of unique conditions of the lot. Such determination shall be made by the Planning and Zoning Commission on an individual basis as reviewed and approved as part of a site plan.

H. Parking Requirements.

1. The parking requirements for each development shall be as approved by the Planning and Zoning Commission in conjunction with site plan review and approval. Parking requirements shall be consistent with ordinance requirements when possible, but will be reviewed and considered on an individual basis after evaluating existing conditions and space available. In cases where minimum parking requirements cannot be provided onsite or a shared parking agreement cannot be acquired, the Planning and Zoning Commission shall review a parking plan. The Planning and Zoning Commission shall inform the City Council of the action taken on the parking plan.
2. For residential uses and businesses locating in the downtown area on previously developed property and do not need site plan approval, the parking requirements shall be reviewed as part of the business license application. In cases where minimum parking spaces cannot be provided on-site or a shared parking agreement cannot be reached the Planning and Zoning Commission shall review a parking plan. The Planning and Zoning Commission shall inform the City Council of the action taken on the parking plan.
3. For businesses and residential uses that do not meet the City minimum on-site parking requirements and have been approved by the Planning and Zoning Commission, a contribution of \$1,700 plus land cost per parking space below the minimum requirement shall be provided to the City. The funds gathered from these contributions will be used for the City to create or maintain public parking opportunities within the Downtown Overlay District

I. Building Code Requirements for Existing Buildings. The City has adopted and amended version of the International Existing Building Code, 2015 Edition, as published by the International Code Council and is set out in Section [500.510](#) of the Municipal Code.

J. Screening Requirements. Screening shall be provided to obscure certain uses, or portions of a specific use, which by the scale or design represent a potential negative impact on adjacent properties. This screening will be accomplished by the use of fences, walls, hedges, landscaping, earth berms, natural buffers, or any combination thereof, as reviewed and approved by the Planning and Zoning Commission.

1. The following specific uses or features shall be screened from adjacent properties and from public view from any existing or proposed public street, regardless of their size, scale or location on the site:

- a. Dumpster and trash hauling areas.
 - b. Service entrances and utility facilities.
 - c. Loading docks or spaces.
 - d. Areas used for the outdoor storage of materials or equipment
2. In addition to the standards set forth in Section [400.278](#) of the Zoning Code, the following standards apply to all screening:
- a. Minimum height of any screening shall be that which is sufficient to visually separate uses within the subject property from adjoining properties and streets.
 - b. Height of any screening materials on a corner is controlled by vehicular sight distances.
 - c. Plant material used for screening shall be of evergreen varieties and shall be at least six (6) feet in height and no farther apart than ten (10) feet apart when planted.

K. *Public Roadway and Sidewalk Upgrades and Right-Of-Way Dedication.* Because of space constraints, it is recognized that the traditional roadway and sidewalk cross sections established by City Code will not work in many areas of this Downtown Overlay District. With this in mind, the Planning and Zoning Commission can determine the extent of public roadway and sidewalk improvements and right-of-way dedication to be required on new developments. A traffic study could be required to determine what improvements are necessary. In cases where a traffic study is not warranted the City Engineer can determine the extent of the reduced roadway or sidewalk cross section improvements to be used. For the purpose of being consistent, as the City approves developments in the downtown area and on specific streets within the downtown area, the City will develop a pattern of the approved roadway and sidewalk cross sections and these will provide a template for future projects. The Engineering Division shall collect and maintain a library of the roadway and sidewalk cross sections that get approved on projects within this district.

L. *Detention Requirements.* If it is proven that a detention basin cannot be accommodated on the site, stormwater facilities as described in the regulations outlined in Section 405.240.D.2 of the Subdivision Code shall be required.

M. *Architectural, Site Design and Signage Guidelines.* These are considered voluntary and not a requirement.

- 1. Sign Guidelines
 - a. Setbacks can be reduced in circumstances where the minimum setbacks cannot be met. Sight triangle and sight distance requirements shall not be modified.
 - b. Projecting signs are allowed. If projecting into the City right-of-way a license agreement would be required.

2. Building Placement Guidelines
 - a. Locate buildings close to the street (within 25 feet of the curb) with off-street parking behind and/or beside buildings.
 - b. If the building is located at a street intersection, place the main building, or part of the building, at the corner. Parking, loading or service should not be located at an intersection.
 - c. To maximize the street frontage of buildings and minimize the street frontage of parking lots, buildings should be articulated so that the long side fronts on the street.
3. Outdoor Lighting Guidelines
 - a. Use low intensity of high-quality white light, which will provide good, uniform visibility while avoiding light pollutions.
 - b. Cutoff fixtures are preferred because they are more efficient than non-cutoff fixtures at casting light on the sidewalk and avoid light spillage and pollution.
 - c. Use decorative bases, posts, luminaries and bollards in lieu of standard wood poles.
 - d. A lighting program should consider the illumination of sidewalks and other multi-use pathways using low intensity fixtures that provide an even distributions of light while avoiding areas of intense shadows.
 - e. To consolidate the number of fixtures placed within the right-of-way, consider the co-location of light fixtures along with other streetscape elements on single poles (i.e. street lighting, pedestrian lighting and banners).
 - f. A substantial amount of lighting for pedestrians should be provided from the storefronts using either indirect illumination from within the building or direct illumination under canopies or awnings.
4. Site Landscaping Guidelines
 - a. The corners of street intersections, particularly gateways and site entries (entries from both street and sidewalk) should be distinguished by special landscape treatments: flower displays, specimen trees and shrubs, accent rocks, low walls, signage, decorative lighting, sculpture, architectural elements, and/or special paving. Features for vehicular entry points must meet the City's sight triangle requirements.
5. Vehicular Circulation Guidelines
 - a. Whenever possible, internal access drives should be located to join together existing public streets and/or connect to adjacent private drives, so that the internal circulation functions as an integral part of the surrounding transportation network.
 - b. Provide at least one vehicular link to each abutting property to the extent practical. This is most often accomplished by joining adjacent parking lots. If the lot is undeveloped or underdeveloped, provide (at an appropriate grade) part of the connection or maintain the potential for a future link.
 - c. Minimize or eliminate curb cuts along a public street. Where possible, share vehicular access with adjacent properties and/or utilize alleys for access.
6. Automobile Parking Guidelines
 - a. Parking lots should be located behind buildings or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or no more than 64 feet, whichever is less.
 - b. Shared parking is strongly encouraged between adjacent or vertically mixed uses whose peak demand is off-set from each other (e.g. Office and Housing).

- c. Large surface parking lots larger than 75,000 square feet of vehicular surface should be visually and functionally segmented into several smaller lots enclosed by landscaping.
 - d. Parking lots along the street must be screened from the adjacent street and sidewalk by walls, fences, or landscaping.
7. General Street and Sidewalk Design Principle Guidelines
- a. Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shades both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street tree landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from heaving the sidewalk, and provides adequate pedestrian buffering.
 - b. Trees may be planted in tree wells with grates over the top to protect the roots. Irrigation should be provided. Large canopy trees such as oaks and maples should be planted a minimum of 30 feet on-center. Unit pavers are preferred over concrete. Where no on-street parking exists, all street trees shall be set back from the edge of the curb a minimum of 4 feet.
8. General Building Design Guidelines
- a. New buildings should strive for a contextual approach to design. A contextual design approach is not intended to necessarily mean a historic approach, but rather one that is sensitive to the surrounding urban, built and natural conditions.
 - b. Adjacent buildings should relate in similarity of scale, height and configuration.
9. Façade Treatment Guidelines
- a. The primary entrance shall be both architecturally and functionally designed on the front façade of the building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting façade.
 - b. Buildings at street corners should be designed to address the corner – that is, to engage the interest of drivers, pedestrians and bicyclists at the intersection. Provide a building entry, additional building mass, and distinctive architectural elements at the corner.
 - c. Use building massing, special architectural features, signage, and changes in the roof line to emphasize building entrances.
 - d. The ground level of the building must offer pedestrian interest along sidewalk and paths. This include windows, entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.
 - e. Canopies and awning should be canvas or similar material and may be permitted to encroach over a sidewalk to within two feet of a public street curb.

N. Listing of Permitted and Conditional Uses within the Downtown Overlay District

Note—The letter P shall mean that the land use is outright "permitted" in the corresponding Zoning District. The letter C shall mean the land use is "conditionally permitted" in the corresponding Zoning District (thus requiring a conditional use permit granted by the City Council). The letter C-A shall mean the land use is "conditionally permitted" in the corresponding Zoning District (where a conditional use permit approved by the Planning and Zoning Commission is required).

Note—The abbreviations for the Zoning Districts are as follows:

- R-2 Two-Family Residential District*
- R-3 Garden Apartment District*
- R-4 Apartment House District*
- C-0 Office District*
- C-1 Restricted Business District*
- C-2 General Business District*

LAND USE CATEGORY	ZONING DISTRICT					
	R-2	R-3	R-4	C-0	C-1	C-2
A						
Alcoholic beverages (liquor, beer and wine)—retail					P	P
Alcoholic beverages (liquor, beer and wine)—wholesale						C
Ambulance and fire protection services				P	C	P
Amphitheaters	C	C	C			C
Animal adoption centers						C
Antique stores					P	P

LAND USE CATEGORY

	R-2	R-3	R-4	C-O	C-1	C-2
Appliances (household)—repair services						P
Appliances (including parts and equipment)—retail					C	P
Aquariums						P
Arboretums and botanical gardens						P
Arcades						P
Arenas and fieldhouses						C
Armed forces recruiting centers						P
Artist galleries				P	P	P
Arts and crafts supply stores						P
Athletic fields, playgrounds, and tot lots	P	P	P	P	P	P
Auditoriums						P
Automobile and other motor vehicles—fuel sales (without repair services)					C	C
Automobile and other passenger motor vehicles— rental services						P
Automobile parking lots and garages (commercial)				C	C	C
B						
Bait shops						P
Banks, savings and loans, and credit unions				P	P	P
Banquet halls and party centers						C

LAND USE CATEGORY

	R-2	R-3	R-4	C-O	C-1	C-2
Bars, pubs, nightclubs, and taverns						C-A
Bed and breakfasts					C	C
Bicycles (including parts and equipment)—retail					P	P
Bicycles—rental services					P	P
Books, magazines, newspapers, and similar printed materials—retail				P	P	P
Books, magazines, newspapers, and similar printed materials—wholesale						C
Bowling alleys						P
Broadcast studios (internet, radio, and television)				C		P
Building and construction materials—retail						P
Bus (passenger terminals)						C
Business associations and professional membership organizations				P		P
C						
Camera and photographic supplies—retail					P	P
Carpet and floor covering stores						P
Casinos						C
Cemeteries and mausoleums (humans)	C	C	C	C	C	C
Charitable and welfare services				P		P
China, glassware, and metalware—retail					P	P

LAND USE CATEGORY

	R-2	R-3	R-4	C-O	C-1	C-2
City facilities	C	C	C	P	P	P
Civic, social, and fraternal associations				P	P	P
Civil defense and related activities				P	P	P
Clothing and apparel—retail					P	P
Clothing and apparel—wholesale						C
Commercial recreation not elsewhere listed (indoor)						C
Commercial recreation not elsewhere listed (outdoor)						C
Contractor services (carpentry, electrical, general construction, HVAC, plumbing, roofing, and similar services)						C
Convenience stores (with fuel sales)					C	C
Convenience stores (without fuel sales)					C	C
Convention centers						C
Country clubs	C	C	C	C	C	C
Curtains, drapery, and upholstery—retail						P
D						
Daycare center, adult	C	C	C	C-A	C-A	C-A
Daycare center, child	C	C	C	C-A	C-A	C-A
Delicatessens				C	P	P
Department and home improvement stores						P

LAND USE CATEGORY

	R-2	R-3	R-4	C-O	C-1	C-2
Detective, private investigative, and protective services				P		P
Discount and variety stores						P
Drug stores and pharmacies				C	P	P
Dry cleaners and laundering services					P	P
Dwellings (boarding and rooming homes)					C	C
Dwellings (college and university dormitories)				C		C
Dwellings (convents and rectories)	P	P	P	P	P	P
Dwellings (in a non-residential zoned structure)				C	C	C
Dwellings (group homes)	P	P	P			
Dwellings (multi-family)		P	P			
Dwellings (orphanages)		C	C			
Dwellings (senior community overlay district)	C	C	C	C		C
Dwellings (single-family attached)	P	P	P			
Dwellings (single-family detached)	P	P	P			
Dwellings (fraternity and sorority homes—off campus)	C	C	C	C		C
Dwellings (fraternity and sorority homes—on campus)				C		C
Dwellings (two-family)	P	P	P			
E						
Electricity regulating substations	C	C	C	C	C	P

LAND USE CATEGORY

	R-2	R-3	R-4	C-O	C-1	C-2
Electronic apparatus and components—retail					C	P
Electronic apparatus and components—wholesale						C
Electronic entertainment and communication products—repair					C	P
Electronic entertainment and communication products (including parts and equipment)—retail						C
Exhibition halls						P
Exterminating and disinfecting services						P
F						
Farmers markets						C
Farm machinery and equipment—retail						C
Farm supplies (including feeds, grains, and hay)—retail						C
Farms (roadside stands)					C	C
Flea markets (indoor and outdoor)						C
Florists				P	P	P
Food and beverage products (excluding alcoholic beverages) for human consumption (excludes bakeries, coffee shops, restaurants)—wholesale						C
Funeral homes, mortuaries, and crematoriums						P
Furniture and home/office furnishings—repair						P
Furniture and home/office furnishings—retail					C	P

LAND USE CATEGORY

	R-2	R-3	R-4	C-O	C-1	C-2
G						
Garden centers, greenhouses (commercial) and nurseries					P	P
General stores and retail trade not elsewhere listed				P	P	P
Gift, novelty, and souvenir stores				C	P	P
Golf courses and golf driving ranges (outdoors)	C	C	C			
Golf (miniature)						P
Grocery stores					P	P
Grooming (pet)					P	P
Gun shops and gunsmiths						C
H						
Hardware stores					P	P
Health and fitness clubs					P	P
Heliport pads				C		C
Historic monuments and sites	P	P	P	P	P	P
Hobby stores					P	P
Hospitals				C		P
Hotels						C
I						

LAND USE CATEGORY

	R-2	R-3	R-4	C-O	C-1	C-2
Ice cream and frozen desserts—retail				P	P	P
Ice skating and roller skating rinks (indoor)						P
J						
Janitorial and cleaning services				C		P
Jewelry, watches, and clocks (including repair)—retail					P	P
K						
L						
Labor unions and similar labor organizations				P		P
Landscape nurseries and garden supply stores					P	P
Laundromats					P	P
Laundry pickup and delivery services (clothing, diapers, linen, and similar services)						C
Libraries	C	C	C	P	P	P
Liquified petroleum gas and other fuel oils—retail						C
Locksmiths					P	P
M						
Mail order facilities						P
Martial arts studios				P	P	P
Medical devices, equipment, and supply stores				C	P	P

LAND USE CATEGORY

	R-2	R-3	R-4	C-O	C-1	C-2
Microbreweries within restaurants and do-it-yourself beer and wine making stores				C-A	C-A	C-A
Military administration, command, and communication centers				C	C	C
Monuments—retail						P
Motion pictures distribution services				P		P
Motion pictures production studios						C
Museums				P	C	P
Musical instruments (including parts and supplies)—retail					P	P
N						
Natural gas (pipeline rights-of-way)	P	P	P	P	P	P
Natural gas (pressure control stations)	C	C	C	C	C	C
Nursing, convalescent, and rest homes (not within a senior community overlay district)						C
O						
Office equipment and business machines—repair					C	P
Office equipment and business machines—retail						P
Offices—medical services				P	P	P
Offices—professional services				P	P	P
P						

LAND USE CATEGORY

	R-2	R-3	R-4	C-O	C-1	C-2
Paper products—wholesale						C
Parks (public)	P	P	P	P	P	P
Personal care services (health spas, tanning beds, massage services license by State of Missouri, barber and beauty shops and similar uses)				P	P	P
Petroleum and other hazardous liquids (pipeline rights-of-way)	P	P	P	P	P	P
Pet stores					C	P
Photocopying and printing services				P	P	P
Photoengraving						C
Photofinishing services				P	P	P
Photographic equipment (including parts and supplies)—retail					P	P
Photography studios				P	P	P
Pool and billiard halls						C
Post offices and private postal services					P	P
Printing and publishing (books, newspapers, magazines, and similar printed products)						P
Private clubs						C
Q						
R						
Radio and television transmitting stations and relay				C	C	C

LAND USE CATEGORY

	R-2	R-3	R-4	C-O	C-1	C-2
towers						
Railroads (passenger terminals)	C	C	C	P	P	P
Railroads (right-of-way)	C	C	C	P	P	P
Recording studios						P
Recreation centers				C	P	P
Religious places of worship (churches, temples, synagogues, mosques)	C	C	C	P	C	P
Research, development, and testing services				C		P
Resorts						C
Restaurants, coffee shops, bakeries, and similar dining establishments with drive-thru windows				C	C	C
Restaurants, coffee shops, bakeries, and similar dining establishments without drive-thru windows				P	P	P
Restaurants, coffee shops, bakeries and similar dining establishments (without drive-thru windows) which sell or serve alcoholic beverages by the drink				C-A	C-A	C-A
Restaurants, coffee shops, bakeries and similar dining establishments (without drive-thru windows) which do not sell or serve alcoholic beverages by the drink				P	P	P
S						
Schools (colleges and universities)				C		C
Schools (athletic, trade and vocational)						P
Schools, private and public	C	C	C			

LAND USE CATEGORY

	R-2	R-3	R-4	C-O	C-1	C-2
Secondhand merchandise (including consignment)—retail					C	P
Sewage pressure control stations	C	C	C	C	C	C
Sewage treatment facilities (membrane bioreactors)	C	C	C	C	C	C
Signs and advertising displays—manufacturing						C
Small engine repair						P
Sporting goods stores					P	P
Stadiums						C
Substance abuse facility						C
T						
Tailoring, garment, shoe, and upholstery repair					P	P
Taxicab, limousine, and car service dispatch						P
Telephone (business office)				P	C	P
Telephone (exchange stations)	C	C	C	P	P	P
Theaters, motion pictures (indoor)						P
Theaters, performing arts (indoors)				P	C	P
Tobacco products (chewing tobacco, cigars, cigarettes, pipe tobacco, snuff, and similar products)—retail					P	P
Toy stores						P
U						

LAND USE CATEGORY

	R-2	R-3	R-4	C-O	C-1	C-2
V						
Veterinarian clinics and animal hospitals				C	C	P
Video game arcades						P
W						
Water storage	C	C	C	C	C	C
Wineries (including the manufacturing and sale of wine)						C
Wireless telecommunication facilities (that do not include new or modified wireless telecommunication support structures)	P	P	P	P	P	P
Wireless telecommunication facilities (that include new or modified wireless telecommunication support structures)	C	C	C	C	C	C
X						
Y						
Z						