

**AN ORDINANCE REPEALING ORDINANCE 1901 AND AMENDING SECTION 1003.107, DELETING SECTIONS 1003.108, 1003.109 OF THE CITY OF CHESTERFIELD ZONING ORDINANCE PERTAINING TO THE ESTATE DISTRICTS BY ELIMINATING THE STANDARD PROCEDURE AND PERFORMANCE ZONING PROCEDURE OPTIONS AND PERMITTING THE PLANNED ENVIRONMENT UNIT (PEU) OPTION FOR DEVELOPMENT; ESTABLISHING BUFFERING STANDARDS FOR DEVELOPMENT ALONG COLLECTOR AND ARTERIAL ROADS; ELIMINATING THE 10 ACRE MINIMUM REQUIREMENT IN ESTATE DISTRICTS; AND BY REQUIRING THAT THE MAXIMUM NUMBER OF UNITS IN A DEVELOPMENT CORRELATE TO THE UNDERLYING ZONING IN THE ESTATE DISTRICT (P.Z. 19A-2002 CITY OF CHESTERFIELD)**

**WHEREAS**, the City of Chesterfield has recognized that the sections of the Zoning Ordinance governing the Estate Districts ("E" Districts) may not provide sufficient flexibility and ease of administration required to enable desired development; and,

**WHEREAS**, the Planning Commission conducted a public hearing on August 26, 2002 to consider changes to the Zoning Ordinance regarding the Estate Districts (P.Z. 19-2002); and

**WHEREAS**, the City of Chesterfield proposed to amend the current Zoning Ordinance to eliminate the Standard Procedure and Performance Zoning Options as development procedures in the Estate Districts; and

**WHEREAS**, the City of Chesterfield proposed to permit only the Planned Environment Unit (PEU) procedure option for development in the Estate Districts; and

**WHEREAS**, the City of Chesterfield proposed to eliminate the 10 acre minimum requirement for development in the Estate Districts; and

**WHEREAS**, the City of Chesterfield proposed to establish minimum development criteria, including buffering requirements along arterial and collector roads, for development in the Estate Districts; and

**WHEREAS**, the City of Chesterfield proposed to require that the maximum number of units in a development correlate to the underlying zoning in the Estate Districts; and

**WHEREAS**, on October 14, 2002 the Planning Commission considered P.Z. 19-2002 and voted 7-0 to recommend to the City Council to approved amendments to Section 1003.107, 1003.108, and 1003.109 of the Zoning Ordinance to eliminate the 10 acre minimum requirement for development in the Estate Districts and to establish the requirement that the maximum number of units in a development correlate to the underlying zoning in the Estate Districts; and

**WHEREAS**, on November 25, 2002, the Planning Commission considered P.Z. 19A-2002 and voted 8-0 to recommend to the City Council the amendment to replace Section 1003.107 of the Zoning Ordinance with a new section that contains the requirements for the "E-1 District", "E-2 District" and "E-1/2 Acre District" Zoning Districts, subsequently deleting Sections 1003.108 and 1003.109 of the Zoning Ordinance; and

**WHEREAS**, on December 2, 2002, the City Council considered P.Z. 19-2002 and approved Ordinance 1901 which provided for amendments to Section 1003.107, 1003.108, and 1003.109 of the Zoning Ordinance that eliminated the 10 acre minimum requirement for development in the Estate Districts and established the requirement that the maximum number of units in a development correlate to the underlying zoning in the Estate Districts; and

**WHEREAS**, on January 6, 2003 the City Council considered P.Z. 19A-2002 and on January 22, 2003 approved the amendment to the Estate District Ordinance to define the Estate District categories as "E-Two Acre", "E-One Acre", and "E-Half Acre" Districts; and

**WHEREAS**, on January 22, 2003, the City Council approved the amendment adding a new section 8 to Section 1003.107 of the Zoning Ordinance establishing minimum lot size standards in the Estate Districts; and

**WHEREAS**, the City Council approved the amendments to Sections 1003.107, and deleted sections 1003.108, and 1003.109 of the City of Chesterfield Zoning Ordinance; and

**WHEREAS**, on February 2, 2003, the City Council voted to repeal Ordinance 1901 and to replace Section 1003.107 of the Zoning Ordinance with the language set out in Attachment "A", attached hereto.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

Section 1. Ordinance 1901 adopted by the City Council on December 2, 2002 is hereby repealed; and

Section 2. Sections 1003.107, 1003.108, and 1003.109 of the City of Chesterfield Zoning Ordinance are hereby amended and the City of Chesterfield agrees to make necessary changes thereto, as set out in Attachment "A" which is attached hereto and made a part hereof.

Section 3. Sections 1003.108 and 1003.109 of the City of Chesterfield Zoning Ordinance are hereby deleted; and

Section 4. The City Council, pursuant to the petition filed by City of Chesterfield in P.Z. 19A-2002, requesting the amendments embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said that specific sections of the petition be granted and after public hearing, held by the Planning Commission on August 26, 2002, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

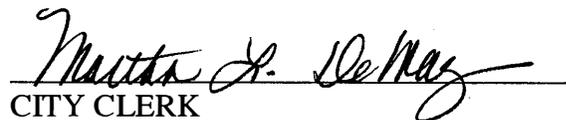
Section 5. This ordinance shall be codified within the Municipal Code of the City of Chesterfield.

Section 6. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 3<sup>RD</sup> day of FEBRUARY, 2003.

  
MAYOR

ATTEST:

  
CITY CLERK

## ATTACHMENT A

### 1003.107 "E" Estate Residence Districts

**1. Scope of Provisions.** This section contains the regulations of the "E" Estate Residence Districts ("E" District). These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this appendix which are incorporated as part of this section by reference.

**2. Intent and Purpose.** The intent of the "E" Districts is to provide for low-density single family residential development that is compatible and consistent with the community character of those sections of Chesterfield in which similar, large lot residential uses dominate. Although flexibility in development is encouraged, the intent is to provide well-buffered, well-landscaped large lots along collector and arterial roads. The purpose is to provide flexibility in dealing with different types of site topography, parcel configurations, natural features and market demand, while ensuring that specific performance standards are met which are designed to preserve and enhance the prevailing character of the area. Three types of "E" Districts are permitted: "E-Two Acre", "E-One Acre", and "E-Half Acre".

**3. Underlying Zoning District.** An "E" Residence District shall be established as a Planned Environment Unit (PEU) based upon an underlying zoning district that determines the maximum average acreage per housing unit allowed within the District. The maximum number of homes allowable in the PEU development shall correlate to the number of acres of the entire development and as established by the underlying zoning district. The applicable underlying zoning districts in which development may be permitted and the variations of "E" Districts are:

- (a) The "E-Two Acre" Estate District underlying zoning is two (2) acres.
- (b) The "E-One Acre" Estate District underlying zoning is one (1) acre.
- (c) The "E-Half Acre" Estate District underlying zoning is one-half (1/2) acre.

**4. Density.** The maximum density of units per development shall be dependent upon the type of "E" District utilized. Density shall not exceed the site's net capacity as determined by dividing the site's net area by the underlying zoning. The net area is the gross area of the development minus the land within the one-hundred-year floodplain elevation, as identified by the effected Flood Insurance Rate Map, excluding land to be reclaimed from the floodplain. The maximum density of units for each type of "E" District is set out below:

- (a) The “E-Two Acre” District average acreage per home shall be two acres. For example, in the “E-Two Acre” District, a ten (10) acre development may have a maximum of five (5) homes on the site; a twelve (12) acre development may have a maximum of six (6) homes on the site.
- (b) The “E-One Acre” District average acreage per home shall be one acre. For example, in the “E-One Acre” District, a ten (10) acre development may have a maximum of ten (10) homes on the site; a twelve (12) acre development may have a maximum of twelve (12) homes on the site.
- (c) The “E-Half Acre” District acreage per home shall be one-half (1/2) acre. For example, in the “E-Half Acre” District, a ten (10) acre development may have a maximum of twenty (20) homes on the site; a twelve (12) acre development may have a maximum of twenty four (24) homes on the site.

**5. Permitted Uses.** Permitted uses in the “E” Districts are listed in Table 1 and are subject to all other conditions in Section 1003.107, including the Lot Area, Yard and Density Requirements of 1003.107

<b>Table 1. “E” Districts, <i>Permitted Uses</i></b>				
		<b>E-Two Acre District</b>	<b>E-One Acre District</b>	<b>E-Half Acre District</b>
	<b>Permitted Uses:</b>			
(a)	Detached single-family homes	<b>X</b>	<b>X</b>	<b>X</b>
(b)	Attached single-family homes*			<b>X</b>
(c)	Churches and other places of worship	<b>X</b>	<b>X</b>	<b>X</b>
(d)	Schools, public or private, including kindergarten, elementary, secondary and collegiate (daycare centers require conditional use permits).	<b>X</b>	<b>X</b>	<b>X</b>
(e)	Parks, parkways and playgrounds, public or private not-for-profit.	<b>X</b>	<b>X</b>	<b>X</b>
(f)	Forest and wildlife reservations including conservation projects.	<b>X</b>	<b>X</b>	<b>X</b>
(g)	Home occupations	<b>X</b>	<b>X</b>	<b>X</b>
(h)	Local public utility facilities, provided that any	<b>X</b>	<b>X</b>	<b>X</b>

	installation other than poles and equipment attached to the poles, shall be:			
	(i) Adequately screened with landscaping, fencing or walls or any combination thereof; or			
	(ii) Placed underground; or			
	(iii) Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area			
(i)	Police and fire stations	X	X	X

\* *Of the three Estate Districts, attached single family homes are permitted only in the "E-Half Acre" Estate District. They are also permitted in the R2 (PEU), R3 (PEU), R4 (PEU), R5, R6A, R6AA, R6, R7, and R8 Residential Districts*

**6. Permitted Non Single Family Uses.** Permitted non single family uses in the "E" Districts are listed in Table 2 and are subject to all other conditions in Section 1003.107.

		<b>E-Two Acre District</b>	<b>E-One Acre District</b>	<b>E-Half Acre District</b>
	<b>Permitted Uses:</b>			
(a)	Administrative offices for educational facilities and administrative offices for religious purposes.	X	X	X
(b)	Mortuaries, cemeteries and mausoleums, including mortuaries operated in conjunction with the cemetery or mausoleum.	X	X	X
(c)	Child care centers, child nursery schools, child day nurseries, and child or adult day care homes.	X	X	X
(d)	Private, not-for-profit clubs, private, not-for-profit recreational land uses, and community centers.	X	X	X

(e)	Foster homes for handicapped children.	X	X	X
(f)	Group homes for the developmentally disabled, to be occupied by no more than nine (9) individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the facility.	X	X	X
(g)	Nursing homes and group homes for the elderly.	X	X	X
(h)	Hospitals and hospices.	X	X	X
(i)	Local public utility facilities over sixty (60) feet in height and public utilities facilities.	X	X	X
(j)	Dormitory or group living facilities for religious, educational, or charitable purposes.	X	X	X
(k)	Radio, television, and communication transmitting, receiving, or relay towers and facilities.	X	X	X
(l)	Retreats owned and operated by religious, educational, or other not-for-profit establishments.	X	X	X
(m)	Riding stables and kennels.	X	X	X
(n)	Satellite dishes [additional to provisions of Section 1003.167, 17.].	X	X	X
(o)	Sewage treatment facilities, other than facilities permitted as an accessory use	X	X	X
(p)	Specialized private schools.	X	X	X
(q)	Golf courses and practice driving ranges on the same premises as the golf course (miniature golf courses and independent driving ranges are excluded).	X	X	X
(r)	Libraries, public or not-for-profit.	X	X	X

**7. Accessory Land Uses.** Accessory land uses in the “E” Districts are listed in Table 3. Accessory land uses are subject to compliance with the procedures of this section, accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or (unless restricted by applicable condition) a conditional land use when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, and serves only to further the successful utilization of the primary use.

**Table 3. "E" Districts, Accessory Land Uses**

	<b>Accessory Land Uses:</b>	<b>E-Two Acre District</b>	<b>E-One Acre District</b>	<b>E-Half Acre District</b>
(a)	Devices for the generation of energy, such as solar panels, wind generators, and similar devices.	X	X	X
(b)	Individual sewage treatment facilities serving an individual dwelling, farm, or nonresidential use, as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.	X	X	X
(c)	Private stables.	X	X	X
(d)	Signs (directional and information).	X	X	X
(e)	Signs (business) when established in conjunction with a conditional use permit.	X	X	X

**8. Minimum Lot Area for Non-Single Family Uses.** Minimum lot areas for non single family uses are listed in Table 4.

**Table 4. "E" Districts, Minimum Lot Area for Non Single Family Uses**

		<b>Minimum Lot Area</b>		
		<b>E-Two Acre District</b>	<b>E-One Acre District</b>	<b>E-Half Acre District</b>
	<b>Permitted Non-Single Family Use:</b>			
(a)	Administrative offices for educational or religious facilities	3 acres	3 acres	3 acres
(b)	Churches and other places of worship	5 acres	5 acres	3 acres
(c)	Dormitory and group living facilities	5 acres	5 acres	5 acres
(d)	Group living facilities for religious purposes	2 acres	1 acre	½ acre
(e)	Riding stables and kennels	5 acres	5 acres	5 acres

(f)	Library	4 acres	4 acres	4 acres
(g)	Local public utility facilities	10,000 sq. ft	10,000 sq. ft	10,000 sq. ft
(h)	Mechanical sewage treatment facility	1 acre	1 acre	1 acre
(i)	Mortuary *	*See below	* See below	* See below
(j)	Child care centers, child nursery schools, child day nurseries, and child or adult day care homes	3 acres	2 acres	1 acre
(k)	Schools: Kindergarten (separate) Primary Junior high Senior high Collegiate	3 acres 5 acres 10 acres 20 acres 10 acres	3 acres 5 acres 10 acres 20 acres 10 acres	3 acres 5 acres 10 acres 20 acres 10 acres
	Golf courses	80 acres	80 acres	80 acres
(m)	Other non-residential permitted uses**	See below**	See below**	See below**

\* *Minimum 3 acres and 200 feet of frontage on a state roadway, and adjacent to existing commercial zoning district.*

\*\* *All other non-residential permitted uses in this district shall be situated or conducted on tracts of land at least 5 acres in area.*

**9. Lot Size Standards for Single Family Residential Developments.** The minimum lot size for any lot in a residential development shall not be less than the lot size of the next dense zoning category, with exceptions provided as noted in Table 5 (b). Lot size standards are set forth in Table 5.

	Standard	E-Two Acre District	E-One Acre District	E-Half Acre District
(a)	Average Lot size of Development	2 acres	1 acre	22,000 sq. ft.
(b)	Minimum Lot Size*	1 acre	22,000 sq. ft.	15,000 sq. ft.

\* *The minimum lot size may drop one density zone below the requested district only after the developer has established to the Planning Commission that the reduced lot size will be a significant improvement of the planned district.*

*Development must demonstrate good planning practices that address the following issues:*

- *Buffers*
- *Surrounding density*
- *Amenities*
- *Preservation of natural features and topography*

**10. Minimum Development Standards.** For single family residential development in the “E” Districts, minimum development standards shall apply and are set forth in Table 5.

	<b>Standard</b>	<b>E-Two Acre District</b>	<b>E-One Acre District</b>	<b>E-Half Acre District</b>
(b)	Minimum Front Yard Setback from Local Streets*	25 feet	25 feet	20 feet
(c)	Minimum Rear Yard Setback	25 feet	25 feet	20 feet
(d)	Minimum Side Yard Setback**	Minimum 25 feet, minimum 50 feet between structures	Minimum 20 feet, minimum 40 feet between structures	Minimum 15 feet, minimum 30 feet between structures
(e)	Maximum Building Height	50 feet	50 feet	50 feet
(f)	Minimum Dedicated Landscape Buffer Along Collector and Arterial Roadways***	30 feet	30 feet	30 feet
(g)	Structure Setback from the Dedicated Landscape Buffer Along Arterial and Collector Roadways*	50 feet	50 feet	50 feet
(h)	Pavement and right-of-way widths shall be as specified in the Subdivision Regulations (Section 1005.180). For the “E” Districts, the off-street parking, loading and internal drive requirements are	Shall correspond to the Subdivision requirements for the “R-1” District, or as	Shall correspond to the Subdivision requirements for the “R-1” District, or as	Shall correspond to the Subdivision requirements for the “R-1A” District, or as

	comparable to the corresponding “R” District in Section 1005.180, or as directed by the Department of Public Works	directed by the Department of Public Works	directed by the Department of Public Works	directed by the Department of Public Works
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- \* *As established by the Comprehensive Plan or as determined by the Director of Public Works.*
- \*\* *A side yard setback may be reduced by up to 5 feet if the adjacent lot's neighboring side yard setback is increased by the same amount so the distance between structures remains at the minimum required in each “E” District.*
- \*\*\* *When the development adjoins a collector or arterial roadway, as established by the Comprehensive Plan or as determined by the Director of Public Works, a minimum dedicated 30 foot landscape buffer shall be provided. The buffer shall not be counted towards the minimum lot size. In no case shall the total number of units in the development (net acreage) exceed the average acreage per unit as established by the underlying zoning.*

**11. Minimum Structure Setback and Parking Lot Requirements for Non Single Family Residential Uses.** Minimum structure setback requirements and parking lot requirements for non single family residential uses shall be as set forth in Table 6.

	<b>Standard</b>	<b>E-Two Acre District</b>	<b>E-One Acre District</b>	<b>E-Half Acre District</b>
(a)	Minimum Structure Setback (from every collector or arterial street)*	150 feet	150 feet	150 feet
(b)	Minimum Structure Setback (from any other street)*	100 feet	100 feet	100 feet
(c)	Minimum Structure Setback (from any adjacent property line)*	75 feet	75 feet	75 feet
(d)	Minimum Parking Lot Setback distance from any peripheral road **	50 feet	50 feet	50 feet
(e)	Maximum Building Height***	50 feet	50 feet	50 feet

- \* *Setbacks – Non Single Family Uses. For non single family uses, minimum setbacks for all structures shall be 150 feet from every collector or arterial street, 100 feet from any other street, and 75 feet from any adjacent property line.*
- \*\* *Parking lots for all Non Single Family Uses shall be located at least 50 feet further from any peripheral road than the structure is from said road. No parking lot shall be located in any front, side, or rear yard setback.*
- \*\*\* *Unless specifically stated otherwise and with the exception that church steeples may extend to 100 feet in height as measured from the average floor grade elevation of the first story.*

**12. Other specific yard regulations and exceptions.**

- (a) No structure or plant material over 3 feet high shall be permitted in the sight distance triangle of corner lots
- (b) Boundary walls, fences or permitted information signs of 6 feet or less are allowed within minimum front, side and rear yard setback. Retaining walls up to eight (8) feet in height are permitted within all yard setbacks. When retaining walls are tiered, the minimum horizontal distance between retaining walls (closest edge to closest edge) shall be four (4) feet.
- (c) Permitted directional signs of 3 feet or less in height are allowed within minimum front yard setback.
- (d) Light standards for street lighting or ingress/egress points, but not including parking lot lighting, are allowed within minimum front yard setback when approved by Department of Planning. Light standards for parking lot lighting are allowed no closer than 25 feet of any side or rear yard line adjoining property in the "NU", "AG", "PS" or any residential district, with illumination restrictions as specified in Section 1005.160.5 of the Subdivision Regulations
- (e) Any non-residential structure, other than a public utility tower authorized by conditional use permit, which exceeds 30 feet in height shall be set back from all property lines at least one additional foot for every foot of height above 30 feet.

**13. Dedications for Public Schools and Public Parks.** Development using the “E” District procedure may include land designated for dedication for public school or public park use, which land may be considered part of the gross acreage of the development in computing the maximum number of lots that may be created or dwelling units that may be authorized, provided that:

- (a) The area of the proposed “E” District development shall be at least thirty (30) acres in the case of a public school dedication and sixty (60) acres in the case of a public park dedication, unless otherwise authorized or required by the City of Chesterfield.
- (b) No tract of less than five (5) acres is designated for dedication for public school use, or ten (10) acres for public park use, unless otherwise authorized or required by the City of Chesterfield. However, a tract of land less than this minimum may be accepted for dedication for public school or park use if it is an addition to an existing or proposed park or school site respectively, or is recommended by the Department of Public Works as a part of a system of hiking and riding trails.
- (c) The proposed school site is compatible with a generalized plan for school locations published by the school district.
- (d) Prior to approval by the Planning Commission of a site development concept plan indicating a public park or public school site, a written statement shall be received from the Department of Public Works recommending approval of the proposed park dedication; or a written notification shall be received from the school district that the school district has agreed to accept the public school site dedication.
- (e) Prior to approval of a site development concept plan, a written agreement between the petitioner and the school district shall be submitted to the Planning Commission for review. This agreement shall indicate who is responsible for the installation of required improvements adjacent to or affecting the school site, and when the improvements will be installed.
- (f) The proposed site is dedicated to public school or park use in a manner approved by the City Attorney as to legal form prior to recording of the site development concept plan.
- (g) The Site Development Concept Plan identifies the boundaries of the dedicated tract within the “E” District development.

- (h) The deed of dedication for a public park(s) or public school use shall provide that in the event the property shall no longer be used for that purpose, it will revert to the trustees of the subdivision in which it is located as common land. The trust indenture required in subsection 12 of 1003.187 (Trust Indentures and warranty deeds) are complied with.

#### **14. Community Character Development Standards.**

- (a) Easements for utility or access purposes shall be allowed to cross any required landscape easement or buffer, landscaped area or setback. However, if a utility or access easement runs parallel for the whole length of a required landscape easement or buffer, landscaped area or setback, the minimum width of the required landscaped buffer shall not include the width of the utility or access easement, and shall be calculated by excluding the width of the utility or access easement. If the utility or access easement crosses into the required landscape easement, buffer, landscaped area or setback, that portion of the utility or access easement shall be landscaped and vegetation shall be replaccd. Establishment of landscape buffer easements shall be directed by the City of Chesterfield.
- (b) Sidewalks shall be optional when all lots are one acre or greater; when any lots are less than one acre, sidewalks shall be required on one side of the street and shall be encouraged to "wander" from a straight path to reduce grading and save trees or to be provided in the form of pedestrian walkways linking primary activity centers or destinations. Such sidewalks must be maintained in dedicated easement with access and working room and shall comply with ADA.
- (c) Jogging trails shall be allowed in any open space or buffer area but must be coordinated with any Tree Preservation Plan.