

BILL NO. 2181

ORDINANCE NO. 1961

AN ORDINANCE ESTABLISHING A LANDMARK DESIGNATION UPON A STRUCTURE LOCATED AT 1734 OLD BAXTER ROAD UNDER THE PROCESS ESTABLISHED BY THE CITY OF CHESTERFIELD ORDINANCE NUMBER 1719 (P.Z. 2-2003 (LPC 2-2003) EBERWEIN-HOWE HOUSE).

WHEREAS, the area that is now the incorporated City of Chesterfield was originally settled by immigrants in 1797, the settlement/town of "Chesterfield" was founded and platted by Justus Post in 1817, and recorded in 1838; and,

WHEREAS, the City of Chesterfield has many structures, sites and areas that embody a sense of time and place unique to the City, or which exemplify and reflect the cultural, social, economic, political or architectural history of the nation, the State of Missouri, or the City; and,

WHEREAS, the City of Chesterfield Ordinance Number 1719, established a Landmarks Preservation Commission to identify and preserve, and make recommendations on such structures, sites, and areas within the Chesterfield community; and,

WHEREAS, a structure located at 1734 Old Baxter Road (Eberwein-Howe House) was nominated for Landmark designation; and,

WHEREAS, a Public Meeting relative to this matter was held before the Landmarks Preservation Commission on the 23rd day of January, 2003, and after review of the Criteria for Consideration of Nomination, per Section IV of Ordinance Number 1719, the Commission did approve a recommendation that the nominated Landmark does meet the criteria for designation; and,

WHEREAS, a Public Hearing relative to this matter was held before the Planning Commission on the 24th day of February, 2003, and after review of the Criteria for Consideration of Nomination, per Section IV of Ordinance Number 1719, the Commission did approve a recommendation that the nominated Landmark does meet the criteria for designation. Then at a meeting of the Planning Commission on the 11th day of August, 2003, the Commission did approve a recommendation for approval of the conditions as written in the Attachment "A."

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

Section 1. The City of Chesterfield Zoning Ordinance and the Official Zoning District Maps, which are part thereof, are hereby amended by establishing a "District H-Historic" overlay zone for the property located at 1734 Old Baxter Road.

Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance, is granted subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in the Attachment "A", which is attached hereto and made a part of.

Section 3. The City Council, pursuant to the request in P.Z. 2-2003, requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and, after public hearing held by the Planning Commission on the 24th day of February, 2003, 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 4. Except as where the conditions of Attachment "A" may be specifically contrary to the requirements of Ordinance 1719 or its amendments, the property named herein shall comply with Ordinance 1719 of the City of Chesterfield.

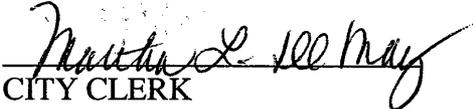
Section 5. The warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield shall not apply to violations of the terms of this Ordinance and the conditions thereof.

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

Passed and approved this ^{15th}~~15th~~ day of September, 2003.


MAYOR

ATTEST:


CITY CLERK

ATTACHMENT A

I. Permitted Uses

- A. The permitted uses allowed in this "District H – Historic" shall be limited to residential.
- B. No special uses are designated for this site at this time.

II. Requirements for Certificate of Appropriateness: Any alteration, construction, removal or demolition of a structure on this site shall require a Certificate of Appropriateness as set forth in Ordinance 1719. Consideration shall be given as to the following terms and conditions, but shall not be limited thereto.

A. Significant Exterior Architectural Features: The significant exterior architectural features that shall be reviewed for appropriateness for this site (in the event that a permit is requested for construction, alteration, or removal) are as follows:

1. The original 1850 structure is log, with original clapboard siding.
2. The more recent south addition also has the original clapboard siding (salvaged from the rear side prior to additions).
3. The front door is Italianate style, with arched panels. The immediate surround has side lights and top light; the outer surround has carriage lamps and pediment.
4. The windows are two-over-two, with functional shutters.
5. The 1933 barn/garage has clapboard siding matching the house.

B. Types of Construction, Alteration, Demolition, and Removal: The Certificate of Appropriateness shall be applied for as set forth in Ordinance 1719 or its Amendments, is required prior to the issuance of a demolition permit or a building permit affecting the exterior architectural appearance of this site and any structure on said site, and shall contain information including, but not limited to the following:

1. Fully describe any construction, alteration, or removal requiring a building permit from the City of Chesterfield;
2. Fully describe any demolition in whole or in part requiring a demolition permit from the City of Chesterfield;

3. Fully describe any construction, alteration, demolition or removal affecting a significant exterior architectural feature or appearance as specified previously in Section I of this ordinance.
 4. Fully describe any construction, alteration or removal involving earth-disturbing activities that might affect archaeological resources.
 5. Any actions to correct a violation of a minimum maintenance standard.
- B. Applications for a Certificate of Appropriateness shall include accompanying plans and specifications affecting the exterior architectural appearance of a designated Landmark or a property within a designated Historic District.
 - C. Applications for demolition permits shall include plans and specifications for the contemplated use of the property.
 - D. Applications for building and demolition permits shall be forwarded to the Chesterfield Landmarks Preservation Commission within seven (7) days following the receipt of the application. A building or demolition permit shall not be issued until the Chesterfield Landmarks Preservation Commission has issued a Certificate of Appropriateness.
 - E. Any applicant may request a meeting with the Chesterfield Landmarks Preservation Commission before the application is reviewed by said Commission or during the review of the application.
 - F. Application for review of any construction, alteration, demolition, or removal not requiring a building permit for which a Certificate of Appropriateness is required shall be forwarded to the Chesterfield Landmarks Preservation Commission. The Chesterfield Landmarks Preservation Commission shall consider the completed application at its next regular meeting.

III. Design Guidelines

- A. Design guidelines for applying the criteria for review of Certificate of Appropriateness shall, at a minimum, consider the following architectural criteria:
 1. Height – The height of any proposed alteration or construction should be compatible with the style and character of the Landmark and with surrounding structures in a Historic District.
 2. Proportions of Windows and Doors – The proportions and relationships between doors and windows should be compatible with the architectural style and character of the Landmark and with surrounding structures within a Historic District.

3. Relationship of Building Masses and Spaces – The setback and relationship of a structure within a Historic District to the open space between it and adjoining structures should be compatible.
4. Roof Shape – The design of the roof should be compatible with the architectural character and appearance of the Landmark and of surrounding structures in Historic Districts.
5. Landscaping – Landscaping should be compatible with the architectural character and appearance of the Landmark and of surrounding structures and landscapes in a Historic District.
6. Scale – The scale of the structure after alteration, construction or partial demolition should be compatible with its architectural style and character and with surrounding structures in a Historic District.
7. Directional Expression – Facades in Historic Districts should blend with other structures with regard to directional expression. Structures in a Historic District should be compatible with the dominant horizontal or vertical expression of the surrounding structures. The directional expression of a Landmark after alteration, construction or partial demolition should be compatible with its original architectural style and character.
8. Architectural Details – Architectural details including materials, colors, and textures should be treated so as to make a Landmark compatible with its original architectural style and character and to preserve and enhance the architectural style or character of a Landmark or Historic District.
9. Signage – The character of signs should be in keeping with the historic architectural character of a Landmark or Historic District. Character of a sign includes the number, size, area, scale, location, type, (e.g. attached wall signs and freestanding business signs), letter size or style, and intensity and type of illumination and subject to specific criteria as set forth in this ordinance.
10. Minimum Maintenance – Significant exterior architectural features shall be kept in a condition of good repair and maintenance. All structural and mechanical systems shall be maintained in a condition and state of repair that will prevent decay, deterioration or damage to significant architectural features, or otherwise adversely affect the historic or architectural character of structures within a Historic District.

IV. Height and Area Regulations

The current building height, which is two (2) stories, shall be maintained.

V. Minimum Dwelling Size

The total square footage of this site shall not exceed its existing square footage and shall be based on the ability to comply with the parking regulations of the City of Chesterfield Zoning Ordinance.

VI. Floor Area

The total floor area of this site shall be the current floor area as of the date of approval of this ordinance.

VII. Lot Size

The current lot size, which is approximately .89 acres, shall be maintained.

VIII. Sign Regulations

- A. All proposed signage shall be as required in Section 1003.168 Sign Regulations of the City of Chesterfield Zoning Ordinance. Entrance Monument, if proposed, shall be reviewed by the City of Chesterfield and/or the Missouri Department of Transportation, for sight distance considerations prior to installation or construction.
- B. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development. Real estate signs, including for sale or lease, are permitted.

IX. Parking Regulations

Parking and loading spaces for this site shall be as required in Section 1003.165 Off-Street Parking and Loading Regulations of the City of Chesterfield Zoning Ordinance.

X. Miscellaneous

- A. Roofing and other screening material changes shall be as approved by the Landmarks Preservation Commission.
- B. Changes to the Lighting on this site shall be as approved by the Landmarks Preservation Commission. Any changes shall include a lighting plan, with specific product information, and is required in conjunction with the Certificate of Appropriateness.
- C. Prior to issuance of any Certificate of Appropriateness, all approvals from the appropriate agencies and the City of Chesterfield Department of Public Works, as

applicable, must be provided prior to approval of the Certificate of Appropriateness.

- D. Failure to comply with any and all of the conditions of this Ordinance shall be adequate cause for the revocation of any permits by the issuing departments or the Landmark Preservation Commission, or any other commission of the City of Chesterfield with appropriate jurisdiction.
- E. The City of Chesterfield will enforce the conditions of this Ordinance in accordance with the terms and conditions of this Attachment A.
- F. Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other ordinances of the City of Chesterfield, shall constitute an Ordinance violation, subject but not limited to the penalty provisions as set forth in the Zoning Ordinance and Ordinance Number 1719.
- G. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A in conjunction with Ordinance Number 1719.