BILL NO. 2383 **ORDINANCE NO. 2205**

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A "NU" NON-URBAN DISTRICT TO A "E-TWO ACRE" ESTATE DISTRICT FOR A 25.1-ACRE TRACT OF LAND LOCATED NORTH OF WILD HORSE CREEK ROAD, EAST OF EATHERTON. (P.Z. 06-2005 Wild Horse Creek Investors, Inc.)

WHEREAS, the petitioner, Wild Horse Creek Investors., has requested a change in zoning from a "NU" Non-Urban District to a "E-Two Acre" Estate District for a 25.1-acre tract of land located north of Wild Horse Creek Road and east of Eatherton; and,

WHEREAS, the Planning Commission, having considered said request, recommended approval of the request for a change of zoning from a "NU" Non-Urban District to a "E-Two Acre" Estate District with conditions as written in the Attachment A; and,

WHEREAS, after consideration of an amendment, the City Council approved the request with an amendment to include that the avigation easement will be referenced on the record plat and individual plot plans.

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 "E-Two Acre Estate District for a 25.1-acre tract of land located north of Wild Horse Creek Road and east of Eatherton and described as follows:

A tract of land in U.S. Surveys 133 and 164, township 45 North, Range 3 East, and described as follows:

A tract of land in U.S. Surveys 133 and 164, Township 45 North, Range 3 East, and described as follows: Beginning at an iron rod at the Southwest corner of U.S. Survey 153; thence North 77 degrees 50 minutes East 43.70 feet to an iron rod; thence South 22 degrees 28 minutes East 526.28 feet to a stone; thence South 26 degrees 36 minutes East 50.36 feet to a point; thence South 76 degrees 19 minutes East 42.60 feet to a point; thence South 17 degrees 02 minutes East 94.38 feet to a point; thence South 68 degrees 19 minutes East 75.97 feet to a point; thence South 61 degrees 19 minutes East 84.10 feet to a point; thence South 46 degrees 07 minutes East 82.87 feet to point in the centerline of Wild Horse Road (new location); thence along the centerline of said road South 64 degrees 12 minutes West 868.84 feet to a point on the West line of U.S. Survey 164; thence along the West line of said survey North 13 degrees 06 minutes West 106.25 feet to the Northeast corner of U.S. Survey 163; thence North 14 degrees 24 minutes West 942.40 feet to an old stone on the Northwest corner of said survey 164; thence North 13 degrees 07 minutes West 1005.68 feet to the centerline of the right-of-way of Chicago, Rock Island and Pacific Railroad Company; thence along said centerline, along a curve to the left the cord of which bears North 77 degrees 18 minutes East

515.60 feet to a point in the East line of U.S. Survey 133; thence along said survey line South 12 degrees 58 minutes East 1009.35 feet to the place of beginning.

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 petition filed by Wild Horse Creek Investors, Inc.., in P.Z. 06-2005, 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 13th day of June, 2005, 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. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

Section 5. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 5th day of October, 2005.

MAYOR

ATTEST:

CITY CLERK

ATTACHMENT A

In keeping with the following Comprehensive Plan policies, these conditions have been developed:

- 2.1 Quality Residential Development
- 7.2.9 Access Management
- 8.2 Public Utilities
- 8.3 Stormwater Management
- 9.2 Coordination with School Districts
- 10.1.3 Landscape Buffers

I. SPECIFIC CRITERIA

A. Information to be shown on the Site Development Plan shall be limited to those conditions specified in Section 4A, General Criteria-Development Plan. Site Development Plans and Site Development Section Plans shall adhere to specific design criteria.

B. DEFINITIONS

1. **A Site Development Concept Plan is a conceptual plan for development in a planned district being done in phases. A concept plan provides an overall picture of a development that is being divided into sections to be developed in phases.**

2. **A Site Development Section Plan is a plan for development for sections of the overall concept plan.**

3. **Site Development Plan is a plan for development in planned districts being done in one phase.**

C. PERMITTED USES

1. The uses allowed in this "E-2" Estate District shall be as follows:

   a. Twelve (12) detached single-family dwellings.

2. The above use in the "E-2" Estate District shall be restricted as follows:

   a. There shall be no more than twelve (12) residential units.

   b. Lot Number 11 shall consist of 5.38 acres.

c. Lot Number 12 shall consist of 6.77 acres.

d. The average lot size shall be 2.02 acres.

D. FLOOR AREA, HEIGHT, BUILDING AND PARKING STRUCTURE REQUIREMENTS

1. HEIGHT

a. The maximum height of the single-family dwelling shall not exceed fifty (50) feet.

E. STRUCTURE AND PARKING SETBACKS

1. STRUCTURE SETBACKS

No building or structure, other than a freestanding project identification sign, boundary and retaining walls, light standards, flag poles or fences will be located within the following setbacks:

a. Eighty (80) feet from the right-of-way Wild Horse Creek Road on the northern boundary of the "E-Two Acre" Estate District.

b. Ninety (90) feet from the southern boundary of the "E-2 Acre" Estate District.

c. Twenty (20) feet from the eastern boundary of the "E-2 Acre" Estate District.

d. Twenty five (25) feet from the western boundary of the "E-2 Acre" Estate District.

2. LOT CRITERIA

In addition to the above-referenced requirements, no building or structure (other than boundary and retaining walls) light standards, flag poles or fences, the following lot criteria shall apply:

a. Front yard setback: Twenty five (25) feet from the internal public right-of-way.

b. Side yard setback: Twenty five (25) feet from the side property line.

(i.) A minimum of fifty (50) feet must be maintained between structures.

c. Rear yard setback: Twenty-five (25) feet from the rear property line.

F. PARKING AND LOADING REQUIREMENTS

1. Parking and loading for this development will be as required in the City of Chesterfield Code.
2. Construction Parking

   a. No construction related parking shall be permitted within the Wild Horse Creek Road right-of-way.

G. LANDSCAPE AND TREE REQUIREMENTS

1. The developer shall submit a Landscape Plan, Tree Stand Delineation, and Tree Preservation Plan in accordance with the City of Chesterfield Code.

2. The developer shall provide a thirty (30) foot landscape buffer along Wild Horse Creek Road.

3. The developer shall provide a five (5) foot landscape setback along the western boundary.

4. The developer shall maintain a twenty (20) foot wide landscape buffer strip along the property to the east and west of this site, ten (10) of which may be satisfied by landscaping on the eastern and western boundaries.

5. If the estimated cost of new landscaping indicated on the Site Development Plan as required by the Planning Commission exceeds one thousand ($1,000) dollars, as determined by a plant nursery, the petitioner shall furnish a two (2) year bond or escrow sufficient in amount to guarantee the installation of said landscaping.

6. Prior to release of the Landscape Installation Bond/Escrow, a two (2) year Landscape Maintenance Bond/Escrow will be required.

7. The tree canopy coverage on site to be preserved shall be a minimum of sixty-seven percent (67%).

H. SIGN REQUIREMENTS

1. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the Missouri Department of Transportation and the City of Chesterfield for sight distance considerations prior to installation or construction.

2. No advertising signs, temporary signs, portable signs, off site signs, or attention getting devices shall be permitted in this development.

3. All permanent freestanding identification signs shall have landscaping, which may include, but not be limited to, shrubs, annuals, and other materials, adjacent to the sign base or structural supports. This sign and landscaping shall be as approved by the Planning Commission on the Site Development Plan.

4. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code.

I. LIGHT REQUIREMENTS

1. Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.

2. The location and height of the light standards will be as approved by the Planning Commission.

3. Except for required street lighting, no source of illumination will be situated so that light is cast on any public right-of-way or adjoining property.

J. ARCHITECTURAL

1. Architectural information is to be reviewed by the Architectural Review Board and the Planning Commission.

K. ACCESS/ACCESS MANAGEMENT

1. Streets and drives related to this development shall be designed and located in conformance with the Chesterfield Driveway Access Location and Design Standards, as originally adopted by Ordinance No. 2103 and as may be amended from time to time.

2. Access to Wild Horse Creek Road shall be limited to one (1) street approach. The street approach shall be located as directed by the Department of Public Works and the Missouri Department of Transportation. The entrance shall conform to Missouri Department of Transportation standards.

3. The nearest edge of any street, access or driveway intersecting the entrance street shall be located a minimum of eighty (80) feet from the edge of pavement of Wild Horse Creek Road, as directed by the Department of Public Works.

4. No direct access to Wild Horse Creek Road will be permitted from any lot within the subdivision.

5. Provide a fifteen (15) foot dedication of right-of-way along the property frontage as directed by the City of Chesterfield and Missouri Department of Transportation.

6. Access shall be by deed only.

7. The developer shall provide adequate detention and/or hydraulic calculations for review and approval of all storm water that will encroach on Missouri Department of Transportation right-of-way.

8. Ingress and egress must conform to MoDOT's Access Management Guidelines and must be reviewed and approved by MoDOT. Any changes to the entrance geometrics and drainage design shall be in accordance with MoDOT standards and shall by reviewed and approved by MoDOT.

L. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide for the vacation of the Old Wild Horse Creek Road right-of-way in its entirety. Should the situation arise whereby the Old Wild Horse Creek Road right-of-way cannot be vacated in its entirety, then the developer shall be responsible for providing a permanent turnaround with public right-of-way as directed by the City of Chesterfield. The permanent turnaround shall be constructed on the eastern portion of the property bound by this ordinance and aligned with the existing Old Wild Horse Creek Road. The remaining right-of-way, west of the aforementioned turnaround and necessary right-of-way, shall be vacated.

2. All roadway and related improvements in each plat or phase of the development shall be constructed prior to sixty percent (60%) occupancy of that plat or phase. All roadway and related improvements in the overall development shall be completed prior to eighty percent (80%) occupancy of the overall development.

3. Provide any additional right-of-way and construct any improvements to Wild Horse Creek Road as directed by the Missouri Department of Transportation and the City of Chesterfield.

4. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along the Wild Horse Creek Road frontage of the site. The sidewalk may be located within State right-of-way, if permitted by the Missouri Department of Transportation, or within a six (6) foot wide sidewalk, maintenance, and utility easement. Required sidewalks internal to the site shall connect to the sidewalk along Wild Horse Creek Road.

M. TRAFFIC STUDY

1. A traffic study, as directed by the City of Chesterfield and/or the Missouri Department of Transportation. The scope of the study shall include internal

and external circulation and may be limited to site specific impacts, such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other improvements required, as long as the density of the proposed development falls within the parameters of the City's traffic model. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.

2. Provide a sight distance evaluation report, as required by the City of Chesterfield, for the proposed entrance onto Wild Horse Creek Road. If adequate sight distance cannot be provided at the access location, acquisition of right-of-way, reconstruction of pavement, including correction to the vertical alignment, and/or other off-site improvements shall be required, as directed by the City of Chesterfield and/or the Missouri Department of Transportation.

P. SPIRIT OF ST. LOUIS AIRPORT

1. Prior to the approval of any site development plan, the developer shall provide, at the direction of the Spirit of St. Louis Airport, an avigation easement or other appropriate legal instrument or agreements to fully remise and release any right or cause of action which they, their successors and assigns may now have or which they may have in the future against the St. Louis County, its assessors and assigns, due to such noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused or may have been caused by the operation of aircraft landing at or taking off from, or operating at or on Spirit of St. Louis Airport.

2. The developer shall provide the following notes on the Site Development Plan:

   a. The avigation easement will be recorded along with the Site Development Plan. In addition, the avigation easement will be referenced on the record plat and individual plot plans.

   b. The developer shall disclose to prospective home owners that this site is in close proximity to the Spirit of St. Louis Airport and is subject to occasional over flights. This note is intended to be a noise disclosure statement to any prospective home owners.

Q. POWER OF REVIEW

Either Councilmember of the Ward where a development is proposed, or the Mayor, may request that the site plan be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours before posting the agenda for the next City Council meeting after Planning Commission

review and approval of the site plan. The City Council will then take appropriate action relative to the proposal.

R. STORMWATER AND SANITARY SEWER

1. Provide public sewer service for the site, including sanitary force main, gravity lines and/or regional pump stations, and acquisition of all necessary easements in accordance with the Metropolitan St. Louis Sewer District.

2. All portions of this development which are tributary to the Chesterfield Valley shall adhere to the requirements, current at the time of development, set forth in Chesterfield Valley Stormwater Master Plan. The drainage area shall maintain the same developed hydraulic characteristics as outlined in the Master Plan. The impacts, if any, of any increase over and above that design criteria will need to be addressed by the developer. In addition, the adequacy of the existing channels, both on-site and off-site, as well as downstream structures (culverts etc.) will need to be verified and the structures and channels improved if necessary.

3. Lake(s), ponds(s), detention area(s), etc., are located downstream from the proposed development which may, in the opinion of the Department of Public Works, be impacted by development of subject site. A bond, in a form acceptable to the City of Chesterfield, shall be posted to assure compliance with this section. The developer shall perform pre-construction and post-construction surveys of these facilities and determine any changed condition. Pre-construction surveys shall be performed prior to any clearing, grading, demolition or other construction related to the proposed development. Post-construction surveys shall be performed within twelve (12) months of the completion of the proposed development or two (2) years from the start of the development, whichever is greater. The developer shall return affected facilities to their preconstruction condition within three (3) months of the post-construction survey. If the owner/operator of potentially impacted facilities will not grant the developer the necessary easements to compete the surveys and/or restorative work, the requirements in this paragraph are null and void. The required bond and pre-construction survey of downstream facilities shall be submitted prior to approval of a grading permit or improvement plans.

4. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or an adequate piped system. The adequacy and condition of the existing downstream systems shall be verified and upgraded if necessary.

5. Emergency overflow drainage ways to accommodate runoff from the 100-year storm event shall be provided for all storm sewers, as directed by the Department of Public Works.

6. Detention/retention is to be provided in each watershed as required by the City of Chesterfield. Detention of storm water runoff is required by providing permanent detention/retention facilities, such as dry reservoirs, ponds, underground vaults or other alternatives acceptable to the Department of Public Works. The maximum fluctuation from the permanent pool elevation to the maximum ponding elevation of a basin shall be three (3) feet, as directed. Wetland mitigation shall not be permitted within a detention/retention basin. The detention/retention facilities shall be operational prior to paving of any driveways or parking areas in non-residential developments or issuance of building permits exceeding sixty percent (60%) of the approved dwelling units in each plat, watershed or phase of residential developments. The location and types of detention/retention facilities shall be identified on the Site Development Plan.

   The lowest opening of all structures shall be set at least two (2) feet higher than the 100-year high water elevation in detention/retention facilities. All structures shall be set at least thirty (30) feet horizontally from the limits of the 100-year high water.

7. All drainage detention storage facilities shall be placed outside of the standard setback requirements, or fifteen (15) feet from the new or existing right-of-way line, whichever is greater.

S. ROADWAY IMPROVEMENTS AND CURB CUTS

Obtain approval from the City of Chesterfield Department of Public Works and the Missouri Department of Transportation for the locations of proposed curb cuts, areas of new dedication, and roadway improvements.

T. GEOTECHNICAL REPORT

1. Provide a geotechnical report prepared by a Professional Engineer licensed to practice in the State of Missouri. The report shall verify the suitability of grading and proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on the Site Development Plan.

3. If cut or fill slopes in excess of the standard maximum of 3:1 horizontal run to vertical rise are desired, approval for the steeper slopes must be obtained from the Director of Public Works. Approval of steeper slopes is limited to individual and isolated slopes, rock dikes, undisturbed and stable natural slopes and slopes blending with the natural terrain. Design of the steep slopes must be performed by a registered professional engineer and include recommendations regarding construction methods and long-term maintenance of the slope. Any steep slope proposed on a Site Development Plan shall be labeled and referenced with the following

note: *Approval of this plan does not constitute approval of slopes in excess of 3:1. Steep slopes are subject to the review and approval of the Director of Public Works. Review of the proposed steep slope will be concurrent with the review of the grading permit or improvement plans for the project.*

U. GRADING AND IMPROVEMENT PLANS

1. A grading permit or improvement plan approval is required prior to issuance of a building permit, as directed.

2. A grading permit or improvement plan approval is required prior to any clearing or grading. The Site Development Plan and Tree Preservation Plan/Tree Removal Permit must be approved prior to issuance of a grading permit or approval of improvement plans. No grading that results in a change in watersheds will be permitted.

3. Prior to approval of a grading permit or improvement plans, a Storm Water Pollution Prevention Plan (SWPPP) must be submitted and approved. The SWPPP shall address installation and maintenance of required erosion control practices specific to site conditions. The purpose of the SWPPP is to ensure the design, implementation, management and maintenance of Best Management Practices (BMPs) to control erosion and reduce the amount of sediment and other pollutants in storm water discharges associated with land disturbance activities, and ensure compliance with the terms and conditions stated in the Sediment and Erosion Control Manual.

4. If existing City maintained streets are to be used as construction access to this site, prior to approval of a grading permit or improvement plans, or any construction related traffic or delivery of any construction equipment to the site, the following items must be addressed:

   a. The travel route must be approved by the Department of Public Works. No deviation from the approved route will be permitted.
   b. An evaluation, including film record, of the current condition of the pavement on the approved travel route must be submitted.
   c. An appropriate bond must be submitted, as approved by the City of Chesterfield, to ensure that any damage to existing pavement is repaired. Repair of damage to existing streets will not be included in the subdivision escrow; a separate bond must be established.
   d. All plan sheets shall indicate that vehicle loads of construction traffic using this route are not to exceed 22,400 pounds axle load per 60,000 gross vehicle weight and that no tri-axle trucks are to be used. Weight tickets may be used to determine conformance with this requirement.
   e. Additional protective measures, as deemed necessary by the Department of Public Works, may also be required.

5. Prior to grading permit or improvement plan approval, provide comments/approvals from the appropriate Fire District, **Missouri**

Department of Transportation, Spirit of St. Louis Airport, City of Wildwood, Missouri American Water Company, and the Metropolitan St. Louis Sewer District.

6. Prior to approval of a grading permit or improvement plans, copies of recorded easements, including book and page of record, for all off-site work and off-site areas inundated by headwater from on-site improvements must be submitted.

7. Prior to approval of a grading permit or improvement plans, copies of recorded easements, including book and page of record, for all off-site work and off-site areas inundated by headwater from on-site improvements must be submitted.

V. MISCELLANEOUS

1. All utilities will be installed underground. The development of this parcel will coordinate the installation of all utilities in conjunction with the construction of any roadway on site.

    a. Sleeves for future telecommunication services are required to be installed adjacent and/or parallel to any proposed roadway, or other location as directed by the City of Chesterfield, in order to facilitate the installation of utilities and telecommunication infrastructure for current and future users.

2. Access/utility easements shall be required throughout the development. A continuous fifteen (15) foot wide rear yard easement shall be provided. At a minimum, a ten (10) foot wide utility/access easement shall be provided at every other lot line or break between structures, as directed.

3. Should the design of the subdivision include retaining walls that serve multiple properties, those walls shall be located within common ground or special easements, including easements needed for access to the walls.

4. This development may require an NPDES permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb one (1) or more acres.

5. Prior to Site Development Plan approval, depict existing and proposed contours at two (2) foot intervals extending a minimum of one hundred fifty (150) feet beyond the limits of the site as directed.

6. Provide water service for the site per the requirements of the Missouri American Water Company and the Missouri Department of Natural Resources.

7. If roadways are to be private, they are to remain private forever. Maintenance of private streets, including snow removal, shall be the

responsibility of the developer/subdivision. In conformance with Section 1005.265 of the Subdivision Ordinance, a disclosure statement shall be provided to all potential buyers. The developer shall be required to have a trust indenture and a statement on the record plat establishing the streets are private.

8. In conformance with Section 1005.180 of the Subdivision Ordinance, signage indicating that the streets are private and owners are responsible for maintenance shall be posted. Said signage shall be posted within thirty (30) days of the placement of the adjacent street pavement and maintained and/or replaced by the developer until such time as the subdivision trustees are residents of the subdivision, at which time the trustees will be responsible for maintenance.

9. The nearest edge of any drive or intersecting street shall be located at least forty (40) feet from the line of the gate, as directed.

II. TIME PERIOD FOR SUBMITTAL OF SITE DEVELOPMENT PLANS AND SITE DEVELOPMENT CONCEPT PLANS

1. TIME PERIOD FOR PLAN SUBMITTAL

a. The developer shall submit a concept plan within eighteen (18) months of City Council approval of the Preliminary Development Plan. This requirement shall be accomplished prior to issuance of building permits.

b. In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may submit a Site Development Plan for the entire development within eighteen (18) months of the date of approval of the Preliminary Development Plan by the City.

c. Failure to comply with these submittal requirements will result in the expiration of the preliminary development plan and will require a new public hearing.

d. Said Plan shall be submitted in accordance with the combined requirements for Site Development Section and Concept Plans. The submission of Amended Site Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.

e. Where due cause is shown by the developer, this time interval for plan submittal may be extended through appeal to and approval by the Planning Commission.

III. COMMENCEMENT OF CONSTRUCTION

A. Substantial construction shall commence within two (2) years of approval of the site development concept plan or site development plan, unless otherwise authorized by ordinance. Substantial construction means final grading for roadways necessary for first approved plat or phase of construction and commencement of installation of sanitary storm sewers.

B. Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one (1) additional year.

IV. GENERAL CRITERIA – SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS.

A. Site Development Plan shall include, but is not limited to, the following:

1. Outboundary plat and legal description of the property.
2. Density Calculations.
3. Zoning District lines and floodplain boundaries.
4. Location map, north arrow, and plan scale.
5. Conceptual location and size, including height, of all proposed buildings, parking and loading areas, and lots.
6. Parking calculations.
7. Specific structure and parking setbacks along all roadways and property lines.
8. Provide the greenspace percentage for each lot on the plan.
9. Provide open space percentage.
10. Address trees and landscaping in accordance with the City of Chesterfield Code.
11. Provide a lighting plan in accordance with the City of Chesterfield Code.
12. Provide Floor Area Ratio (F.A.R.)
13. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
14. Scale shall be no greater than one (1) inch equals one hundred (100) feet.
15. Confirmation of compliance with the sky exposure plan and height restrictions as set forth in this ordinance.

16. Size and approximate location of existing and proposed internal and adjacent roadway, drives, major utility easements, necessary right-of-way dedications, road improvements and curb cuts on and adjacent to property in question.

17. Show location of curb cuts, necessary right-of-way dedication, road improvements, and driveways on opposite side of street.

18. Show existing and proposed contours at intervals of two (2) foot intervals extending a minimum of one hundred fifty (150) feet beyond the limits of the site as directed.

19. Show existing and proposed roadway, drives, and walkways on and adjacent to the property in question, including location of curb cuts, necessary right-of-way dedications and road improvements, and locations of the existing roads and driveways on the opposite side of the development.

20. Prior to Site Development Plan approval, depict all existing and proposed easements and right-of-way within one hundred fifty (150) feet of the site and all existing or proposed off-site easements and right-of-way required for proposed improvements.

21. Show preliminary stormwater and sanitary sewer facilities.

22. Show the location of significant natural features, such as wooded areas and rock formations that are to remain or be removed.

23. Prior to Site Development Plan approval, indicate the locations of the proposed sanitary sewer and proposed water main extension will connect to the existing systems.

24. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.

25. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the Missouri Department of Transportation, Spirit of St. Louis Airport, Missouri American Water Company, and the City of Wildwood.

26. Show location and size, including height above sea level, of all buildings, parking and loading areas, light standards, fencing, free-standing signs, trash enclosures, and all other above-ground structures and landscaping.

27. Show existing and proposed roadway, drives, and walkways on and adjacent to the property in question, including location of curb cuts, necessary right-of-

way dedications and road improvements, and locations of the existing roads and driveways on the opposite side of the development.

28. Prior to Site Development Plan approval, depict existing and proposed improvements within one hundred fifty feet (150) of the site as directed. Improvements include, but are not limited to, roadways and driveways adjacent to and across the street from the site, and significant natural features, such as wooded areas and rock formations, that are to remain or be removed.

29. Show the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to existing systems.

30. Show existing improvements and the locations of significant natural features, such as wooded areas and rock formations that are to remain or be removed.

V. TRUST FUND CONTRIBUTION

A. The developer shall contribute a Traffic Generation Assessment (TGA) to the Eatherton-Kehrs Mill Rd Trust Fund established by Ordinance Number 13,173. This contribution shall not exceed an amount established by multiplying the ordinance-required parking space by the following rate schedule:

Type of Development	Required Contribution
Single Family Space	$820.06/Parking Space

(Parking Space as required by the site-specific ordinance or by section 1003.165 of the Saint Louis County Zoning Ordinance.)

If types of development/proposed differ from those listed, rates shall be provided by the Saint Louis County Department of Highways and Traffic.

As a portion of the improvements required herein are needed to provide for the safety of the traveling public; their completion as a part of this development is mandatory.

Allowable credits for required roadway improvements will be awarded as directed by the Saint Louis County Department of Highways and Traffic.

B. As this development is located within a trust fund area established by Saint Louis County any portion of the traffic generation assessment contribution which remains following completion of road improvements required by the development, should be retained in the appropriate trust fund.

C. The amount of the required contribution, if not approved for construction by January 1, 2006, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accord with the construction cost index as determined by the Saint Louis County Department of Highways and Traffic.

VI. RECORDING

Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan will be recorded with the St. Louis County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval of a plan by the Planning Commission.

XI. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL

Prior to improvement plan approval, the developer will provide the following:

1. Comments/approvals from the Missouri Department of Transportation, the Metropolitan St. Louis Sewer District and the appropriate Fire District and any other applicable agency as directed by the City of Chesterfield.

2. Copies of recorded easements for off-site work, including book and page information, will be provided.

XII. VERIFICATION PRIOR TO FOUNDATION OR BUILDING PERMITS

A. Subsequent to approval of the Site Development Plan and prior to the issuance of any foundation or building permit, the following requirements will be met:

1. Notification of Department of Planning

   Prior to the issuance of foundation or building permits, all approvals from the above mentioned agencies and the City of Chesterfield Department of Public Works, as applicable, must be received by the City of Chesterfield Department of Planning.

2. Notification of St. Louis County Department of Public Works

   Prior to issuance of foundation or building permits, all approvals from the City of Chesterfield, the Missouri Department of Transportation (Department of Highways and Traffic and the Metropolitan St. Louis Sewer District must be received by the St. Louis County Department of Public Works.

3. Certification of Plans

   Provide verification that construction plans are designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical Engineer will be required to sign and seal all plans with a certification that the proposed construction will be completed in accordance with the grading and soil requirements and conditions contained in the report.

XIII. OCCUPANCY PERMIT/FINAL OCCUPANCY

1. The developer shall cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the outboundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the United States Public Land Survey Corners.

2. Prior to final occupancy of any building and/or release of subdivision escrows, the developer shall provide certification by a registered land surveyor that all monumentation depicted on the record plat has been installed and United States Public Land Survey Corners have not been disturbed during construction activities or that they have been reestablished and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program.

XIV. FINAL RELEASE OF ESCROW

Prior to the release of final escrow, the developer will provide certification by a Registered Land Surveyor that all monumentation depicted on the Record Plat has been installed and that the U.S. Public Land Survey Corners have not been disturbed during the construction activities or that they have been corrected and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program.

All conditions of the Escrow as stated in the Escrow Agreement shall be met and approved by the Department of Public Works per the established Escrow Agreement.

XVI. GENERAL DEVELOPMENT CONDITIONS

A. General development conditions relating to the operation, construction, improvement and regulatory requirements to be adhered to by the developer are as follows:

1. All required subdivision improvements in each plat of a subdivision shall be completed prior to issuance of more than eighty-five percent (85%) of the building permits for all lots in the plat.

2. Erosion and siltation control devices shall be installed prior to any clearing or grading and be maintained throughout the project until adequate vegetative growth insures no future erosion of the soil and work is accepted by the owner and controlling regulatory agency.

3. Provide adequate off-street stabilized parking area(s) for construction employees and a washdown station for construction vehicles entering and leaving the site in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions. The streets surrounding this development and any street used for construction access thereto shall be

cleaned throughout the day. The developer shall keep the road clear of mud and debris at all times.

4. When clearing and/or grading operations are completed or will be suspended for more than fourteen (14) days, all necessary precautions shall be taken to retain soil materials on site. Protective measures may include a combination of seeding, periodic wetting, mulching, or other suitable means.

5. If cut and fill operations occur during a season not favorable for immediate establishment of permanent ground cover, unless alternate storm water detention and erosion control devices have been designed and established, a fast germinating annual, such as rye or sudan grasses, shall be utilized to retard erosion.

6. All lots shall be seeded and mulched or sodded before an occupancy permit shall be issued, except that a temporary occupancy permit may be issued in cases of undue hardship because of unfavorable ground conditions. Seed and mulch shall be applied at rates that meet or exceed the minimum requirements stated in the Sediment and Erosion Control Manual.

7. Soft soils in the bottom and banks of any existing or former pond sites or tributaries or any sediment basins or traps should be removed, spread out and permitted to dry sufficiently to be used as fill. This material shall not be placed in proposed public right-of-way locations or in any storm sewer location.

8. All fills placed under proposed storm and sanitary sewer lines and/or paved areas, including trench backfill within and off the road right-of-way, shall be compacted to ninety percent (90%) of maximum density as determined by the "Modified AASHTO T-180 Compaction Test" (ASTM D-1557) for the entire depth of the fill. Compacted granular backfill is required in all trench excavation within the street right-of-way and under all paved areas. All tests shall be performed concurrent with grading and backfilling operations under the direction of a geotechnical engineer who shall verify the test results.

9. Internal streets shall be constructed in accordance with Section 1005.180 of the Subdivision Ordinance of the City of Chesterfield.

10. If street grades in excess of six percent (6%) are desired, steep grade approval must be obtained. In no case shall slopes in excess of twelve percent (12%) be considered. Any request for steep street grades must include justification prepared, signed and sealed by a registered professional engineer and include plans, profiles, boring logs, cross-sections, etc in accordance with the Street Grade Design Policy. The justification should clearly indicate site conditions and alternatives considered. If steep grades are approved for this site, a disclosure statement shall be provided to all potential buyers and a note indicating

that priority snow removal will not be given to this site shall be included on the Site Development Plan and Record Plat.

11. If a gate is installed on a street in this development, the streets within the development or that portion of the development that is gated shall be private and remain private forever.

12. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield **and the Missouri Department of Transportation**. No gate installation will be permitted on public right of way. A minimum stacking distance of 60 feet from any intersection and a turnaround for rejected vehicles designed to accommodate a single unit truck shall be provided in advance of the gate, as directed by the Department of Public Works **and the Missouri Department of Transportation**.

XVII. ENFORCEMENT

1. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Site Development Plan approved by the City of Chesterfield and the terms of this Attachment A.

2. Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of permits by issuing Departments and Commissions.

3. 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 City of Chesterfield Code.

4. Waiver of Notice of Violation per the City of Chesterfield Code.

5. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.