

BILL NO. 2391

ORDINANCE NO. 2214

**AN ORDINANCE AMENDING CITY OF CHESTERFIELD ZONING ORDINANCE SECTION 1003.191 TO ESTABLISH INCENTIVES AND TO ALLOW FOR NEW CRITERIA FOR LANDMARK AND PRESERVATION AREA (P.Z. 16-2005 CITY OF CHESTERFIELD/LANDMARK AND PRESERVATION AREA PROCEDURE)**

**WHEREAS**, there has been increased interest in establishing incentives that may be requested when establishing a landmark and preservation area (LPA); and,

**WHEREAS**, the Planning Commission Ordinance Review Committee has recommended a list of incentives and new criteria; and,

**WHEREAS**, the Planning Commission concurred with the recommendation of the Ordinance Review Committee and voted to recommend said amendment by a vote of 8-0.

**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 is hereby amended and agrees to make necessary changes thereto, as set out in Attachment "A" which is attached hereto and made a part hereof.

**Section 2.** The City Council, pursuant to the petition filed by the City of Chesterfield in P.Z. 16-2005, 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 August 22, 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.

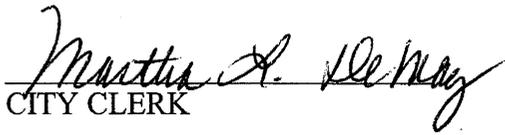
**Section 3.** This ordinance shall be codified within the Municipal Code of the City of Chesterfield.

**Section 4.** This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 7th day of November 2005

  
MAYOR

ATTEST:

  
CITY CLERK



**1003.191 Landmark and Preservation Area (LPA)**

1. *Purpose and Intent.* The purpose of this section is to promote the general welfare, heritage, education, and economic benefit of the City of Chesterfield, through the preservation, protection, and regulation of buildings, sites, structures, monuments, neighborhoods and districts of historic, architectural, social, cultural or archeological significance.

The intent of this ordinance is to encourage the rehabilitation, restoration, and adaptation of these historic elements for current use.

2. *Applicability.* A single parcel or geographic area with at least one of the criteria listed below may be designated as a Landmark and Preservation Area (LPA) in any zoning district:

- A. It has significant character, interest or value as part of the development, heritage or cultural characteristics of the City of Chesterfield, State of Missouri, or the United States.

- B. It is where a significant historic event took place.

- C. It contains architecture, landscaping, site planning, or sculpture done by a designer whose individual work has significantly influenced the development of the St. Louis region, State of Missouri, or the United States.

- D. It contains elements of design, detail, materials, or craftsmanship which represent a particular architectural style or significant innovation.

- E. It is uniquely located, has singular physical characteristics, or represents an established and familiar visual feature of a neighborhood or within the City of Chesterfield.

3. *Incentives.*

- A. In an effort to enhance and protect places and areas which represent important elements of the city's historical, cultural, and archeological history; the City of Chesterfield may approve incentives, in the form of variances, in the following areas:

- (1) Parking Requirements
- (2) Yard Setbacks
- (3) Permitted Uses
- (4) Landscaping
- (5) Lot Size
- (6) Building Height Restrictions
- (7) Green Space/Open Space
- (8) Tree Preservation
- (9) Subdivision of Developable Property

- B. A request for one or more of the incentives shall be made in writing by the Petitioner. Said request shall demonstrate the need for any listed incentive and how the incentive will encourage, promote, enhance, preserve, and protect the historic significance of the site.
- C. Requests can be made for more than one (1) incentive per site.
- D. All requests for incentives shall be reviewed and approved by the City of Chesterfield City Council with recommendations from the City of Chesterfield Planning Commission and the Landmark Preservation Commission.
- E. All previously approved incentives shall expire upon a change in use and shall require re-application for review and approval by the Planning Commission and City Council.

4. *Permitted land uses.*

- A. Permitted uses shall be those permitted or conditional uses in the zoning district that the property is located. Requests for permitted or conditional uses shall be reviewed and approved by the Planning Commission and City Council.
- B. Designation as an LPA qualifies property for additional uses beyond those permitted or conditional uses in the zoning district in which the property is located provided that the additional use does not create an appreciable increase in land use intensity, beyond what normally occurs in the applicable zoning district, nor substantially alter or affect the character of surrounding development.

(1) The following is a list of permitted additional uses:

- (a) Offices; and offices with affiliated dwelling units, wherein occupancy of the dwelling unit shall be limited to the owner, manager, or employee of the office use and their respective families.
  - (b) Limited service and retail facilities, in which goods and services may be sold or provided directly to the public on the premises, such as, but not limited to, studios or galleries for artwork or antiques; studios or work areas for artists, candy makers, dressmakers, tailors, music teachers, dance teachers, and restaurants (excluding fast food restaurants).
  - (c) Child care centers, nursery schools, day nurseries.
  - (d) Single and multiple family dwellings.
- C. All uses shall operate in accord with standards contained in Section 1003.163, "Zoning Performance Standards Regulations." Performance standards are minimum requirements and may be made more restrictive by the ordinance governing.

5. *Development Standards.* Development standards for all LPAs are set forth in Table 1 below. All uses shall conform to the development conditions established for that particular site. Development standards, as described in Table 1, may be amended if the City of Chesterfield approves any of the incentives listed in Section 3 of this ordinance.

TABLE 1. DEVELOPMENT STANDARDS	
Standard	Criteria
Height limitations for structures.	Unless otherwise restricted by application of regulations in Section 1003.161, "Air Navigation Space Regulations", the total height of any structure shall be limited by the applicable zoning district regulations. The height limitations may be made more restrictive in the conditions of the ordinance governing the particular LPA.
Minimum Lot Area	The lot area shall be governed by the regulations and the zoning district regulations in which the lot is located.
Minimum Yard Requirements	Setbacks for new parking areas and new structures shall be established in the conditions of the ordinance governing the particular LPA. These requirements may be made more restrictive in the conditions of the ordinance governing the particular LPA.
Off-street parking and loading requirements	Shall not be reduced below that required for the same use in any other "M" Industrial, "C" Commercial, "SR" Residential, "R" Residential, "NU" Non-Urban zoning district as set forth in Section 1003.165. These requirements may be made more restrictive in the conditions of the ordinance governing the particular LPA.
Sign regulations	Subject to the regulation and control of the particular zoning district in which the property is located as set forth in Section 1003.168. These regulations may be made more restrictive in the conditions of the ordinance governing the particular LPA.

6. *Existing Non-conformity.* A designation as an LPA shall not create any non-conformity; however, a non-conformity can already exist at the time of application for an LPA designation.

7. *Procedure.* The LPA procedure shall be as follows:

A. *Application.* A petition shall be filed with the City Council on forms prescribed for this purpose by the Planning Commission. Said petition may be initiated by the City Council, Planning Commission, the owner(s) of record or owners under contract of a lot or tract, or their authorized representatives, or by the owners of sixty (60%) percent or more of the area (excluding streets and alleys) to be designated as LPA.

- (1) Three (3) sets of forms shall be submitted to the Department of Planning with the following:

(a) Filing fee per requirements of Section 1003.210, "Fees."

- (b) General location map, outboundary plat, and legal description of the property in question;
  - (c) A statement documenting the historic; architectural, social, cultural, archaeological or aesthetic significance of the proposed lot or lots;
  - (d) Summary, description, example or outline of proposed conditions to be applied within the area(s) including, but not limited to, design and construction standards for building facades, setbacks, height, scale, material, color and texture, trim, roof design, landscaping; standards for the design details for all fences, street furniture, signs and exterior lighting;
  - (e) A site development plan indicating existing structures and uses of all properties within the proposed area including:
    - (i.) Existing and proposed contours at intervals of not more than five (5) feet referred to sea level datum.
    - (ii.) Proposed ingress and egress to site, including adjacent streets, and buildings.
    - (iii.) Floor area ratio of proposed development.
    - (iv.) Greenspace percentage of the proposed development.
    - (v.) Tree Stand Delineation, Tree Preservation, and Landscape Plan.
    - (vi.) Architectural elevations of all sides of all buildings.
  - (f) Application for Change of Zoning.
- (2) Petitions initiated by the City Council or Planning Commission shall be accompanied by the following:
- (a) A statement from the Landmark Preservation Commission documenting the historic, architectural, social, cultural, archaeological or aesthetic significance of the proposed lot or lots.
  - (b) A letter of intent from the initiating party indicating the proposed uses.

#### 8. *Public Hearing.*

- A. A public hearing on the petition shall be held by the Planning Commission in the same manner, and with the same public notice procedure, as required in the procedure for amending the Zoning Ordinance, provided that a date for a public

hearing shall be set within forty-five (45) days of acceptance of the petition by the Department of Planning.

- B. Upon acceptance of the petition, the Department of Planning shall forward the application for LPA designation to the Landmark Preservation Commission for their comments and recommendation.
  - C. The Landmark Preservation Commission shall make their comments and recommendation known to the Planning Commission and petitioner no later than seven (7) days prior to the public hearing before the Planning Commission. The said comments and recommendations shall be made available for public inspection. The Planning Commission will construe the absence of comment or recommendation as acceptance of the petition by the Landmark Preservation Commission.
9. *Planning Commission recommendation.* No action shall be taken by the City Council with respect to the petition until it has received the recommendation of the Planning Commission. Said recommendation shall include the comments and recommendation of the Landmark Preservation Commission and shall address general planning considerations, including consistency with good planning practice, and compatibility with adjoining permitted developments and uses. All recommendations shall be made in consideration of plans or area studies, subdivision and zoning requirements, and projected public improvements applicable to the area affected by designation. A recommendation of the approval shall be accompanied by conditions to be included in the ordinance establishing the LPA or approval of a site development plan in a landmark and preservation area. Such conditions shall include but not be limited to the following:
- A. Permitted uses, including maximum floor area;
  - B. Preservation and design standards for all new construction, alteration, and repair;
  - C. Height limitations;
  - D. Review of exterior façade and design features or details by the Landmark Preservation Commission;
  - E. Minimum yard requirements;
  - F. Off-street parking and loading requirements;
  - G. Sign regulations;
  - H. Requirements for deed restrictions, as applicable;
  - I. Type of light fixtures.
10. *Appeal or protest to Commission recommendation.*
- A. Appeal by the Petitioner to recommendation of denial. The petitioner may file an appeal to the City Council of a Planning Commission recommendation of denial of an application for a LPA procedure or an amendment thereto, in accord with the provisions of Section 1003.193, "Appeal and Protest Procedure for Special Procedure Permits."

- B. Protest by specified nearby property owners to recommendation of approval. Specified nearby property owners may file a protest with the City Council against the Planning Commission's recommendation of approval of an application for a LPA procedure or an amendment thereto in accord with the provisions in Section 1003.193, "Appeal and Protest Procedure for Special Procedure Permits."

11. *Approval of Site Development Plan.* After passage by the City Council of an ordinance establishing a LPA, a site development plan shall be submitted to the Department of Planning in accordance with the following provisions. Site Development Plan submittal shall include a Tree Preservation Plan and Grading Plan. No building permits or authorization for improvement, development, clearing, grubbing or grading for any use authorized under provisions of this ordinance shall be issued prior to approval of such plan.

- A. Plans for single lot developments shall be submitted to the Department of Planning to be reviewed for compliance with the Zoning Ordinance and then forwarded to the Landmark Preservation Commission for review. Said plans shall contain the minimum conditions of the specific ordinance governing the LPA, shall comply with provisions of the Subdivision Ordinance and other applicable City ordinances, and, if applicable, shall include any approved incentives.
- B. If the development in a designated LPA requires trust indentures and/or maintenance agreements, a copy of the LPA ordinance shall be recorded with said indentures or agreements.
- C. In the case of multiple-lot developments, a site development concept plan for the designated area shall be submitted to the Planning Commission for review and approval. The concept plan shall be recorded as required by subsection G. Detailed site development section plans shall be submitted to the Department of Planning and forwarded to the Landmark Preservation Commission.

12. *Amendment of conditions or site development plan.* In order to amend conditions of an existing landmark and preservation area or to amend the site development plan approved for the LPA, the procedure shall be as follows:

- A. To amend the LPA ordinance.

- (1) The property owner or authorized agent shall submit a written request to amend ordinance conditions to the Department of Planning for review. A copy of the request shall be forwarded to the Landmark Preservation

Commission for review and recommendation. The Department shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing, and shall consider the comments of the Landmark Preservation Commission.

- (2) If the Department determines that the requested amendment is consistent in purpose and content with the nature of the original proposal as advertised, the Department shall so report to the Planning Commission. The Planning Commission shall then review the request and the report of the Department, and then forward a recommendation to the City Council. A recommendation of approval shall include conditions to be included in the amended ordinance.
- (3) If the Department of Planning determines that the requested amendment is not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, the Department shall so report to the applicant and the Planning Commission. The Planning Commission may forward a resolution of intent to the City Council for the purpose of a new public hearing on the matter in accord with proceedings specified in Section 1003.300.

B. To amend the site development plan approved for the LPA area:

- (1) The property owner or authorized representative shall submit an amended site development plan to the Department of Planning for review. The Department shall forward a copy to the Landmark Preservation Commission for its review and recommendation. The Department shall then evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing, with the Landmark Preservation Commission's recommendation, and the preliminary development plan approved by the City Council.
- (2) If the Department of Planning determines that the proposed site plan amendment is not in conflict with the original proposal as advertised, and the approved preliminary development plan, and meets all conditions of the LPA ordinance, the Department upon recommendation of the Landmark Preservation Commission may approve said

amended plan. Said plan shall be recorded as required by Subsection G.

- (3) If the Department of Planning determines that the proposed site plan amendment is not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, or with the preliminary development plan approved by the City Council, the Department shall so report to the applicant and the Planning Commission. The Planning Commission may forward a resolution of intent to the City Council for the purpose of a new public hearing on the matter in accord with proceedings specified in Section 1003.300, "Procedure for Amending the Zoning Ordinance."
- (4) Appeal to Commission of a decision by Department in reviewing development plan. The petitioner/developer may appeal a decision by the Department of Planning, in cases where the Department of Planning is authorized to review development plans, to the Planning Commission. The petitioner shall have a fifteen-day (15) period in which to file a written appeal and plan with the Commission. The written appeal, stating the reasons for the appeal, shall be submitted to the Department. The Commission shall make the final determination of the matter. No exceptions will be granted that are in violation of the particular ordinance governing the development plan.

13. *Recording.*

- A. Within sixty (60) days of approval of the initial, conceptual, or amended site development plan, the plan shall be recorded with the St. Louis County Recorder of Deeds, and thereby authorize development as depicted thereon, with a copy to be filed with the City of Chesterfield.
- B. The permitted uses established in the ordinance governing the particular LPA shall become effective upon recording of an instrument, approved by the Department of Planning and the City Attorney. This recorded instrument shall constitute an affirmative covenant running with the land for a period of time specified in the ordinance. This covenant shall require the continuation of the preservation of the structure, site or area and prohibit the demolition of any structure without approval by the Landmark Preservation Commission and the City Council. The City Council may release the covenant upon receipt of a report from the Planning Commission.