

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY ESTABLISHING A PLANNED ENVIRONMENT UNIT (PEU) SPECIAL PROCEDURE IN THE "R-4" 7,500 SQUARE FOOT RESIDENTIAL DISTRICT FOR 2.00 ACRES OF LAND LOCATED SOUTH OF CENTURY LAKE AND WEST OF OLD BAXTER ROAD. (P.Z. 36-2005 OLDE BAXTER SQUARE).**

**WHEREAS**, the Petitioner, Flower Homes, requested a special procedure in zoning from Planned Environment Unit (PEU) in an "R-4" 7,500 Square Foot Residential District; and,

**WHEREAS**, the Planning Commission held a public hearing regarding the said request on January 9, 2006; and,

**WHEREAS**, the Planning Commission upon review of said request, made amendments to setbacks, landscape requirements, and reviewing agencies recommended approval by a vote of 8-0 on March 13, 2006; and,

**WHEREAS**, the City Council upon review of said request recommended approval.

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

**Section 1.** The City of Chesterfield Zoning Ordinance and Official Zoning District Maps, which are part thereof, are hereby amended by approving preliminary plans for a special procedure establishing a Planned Environment Unit "PEU" in an "R-4" 7,500 square foot residential district for a 2.00 acre tract of land located south of Century Lake and West of Old Baxter Road in the City of Chesterfield as follows:

**LAND DESCRIPTION**

Two tracts of Land in US Survey 2002, Township 45 North, Range 4 east, St. Louis County, Missouri, said tracts of land being property conveyed to Erma J.E. Langewisch (trustee) as recorded by deed in book 7712 page 2461 of the St. Louis County, Missouri records and property conveyed to James P. and Joan R. Voelpel as recorded by deed in book 10836 page 1315 of the St. Louis County, Missouri records and is more particularly described as follows.

Beginning at a found iron pipe at the intersection of the north line of property conveyed to Earl O. and Virginia L. Eberwein, by deed recorded in book 6085 page 399 of the St. Louis County, Missouri records and the southeast corner of lot 2 of Drew Station Shopping Center, a subdivision recorded in plat book 287 page 71 of the St. Louis County, Missouri records;

Thence along the east line of said lot 2, north 20 degrees 33 minutes 00 seconds west, 306.83 feet to a found iron pipe at the northeast corner thereof, said pipe also being on the south line of property conveyed to the City of Chesterfield as recorded by deed in book 16496 page 104 of the St. Louis County, Missouri records;

Thence along the south line of said City of Chesterfield property and the south line of lot "A" of Swanter Acres, a subdivision recorded in plat book 143 page 50 of the St. Louis County, Missouri

records, north 72 degrees 56 minutes 15 seconds east, 306.67 feet to a set iron pipe with cap on the west right-of-way line of Old Baxter (width varies) road;

Thence along the west right-of-way line of said Baxter Road the following courses and distances: south 05 degrees 08 minutes 00 seconds east, 33.81 feet to a set iron pipe with cap, south 16 degrees 39 minutes 00 seconds east, 170.56 feet to a set iron pipe with cap and south 34 degrees 34 minutes 00 seconds east, 85.10 feet to a set iron pipe with a cap at the northeast corner of said Eberwein property.

**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 Flower Homes in P.Z. 35-2006 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 9<sup>th</sup> day of January 2006, 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 warnings 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 1<sup>st</sup> day of May, 2006.

*Donald A. ...*  
MAYOR

ATTEST:

*Martha A. De May*  
CITY CLERK

First Reading Held:

## ATTACHMENT A

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

- 1.4 Quality New Development
- 1.5 Diversity of Development
- 1.6 Lighting Plan and Program
- 1.8 Urban Core
- 2.1.1 Conservation of Existing Quality of Life
- 2.1.3 Encourage Preservation of Existing Residential Neighborhoods
- 2.1.4 Compatible In-Fill Residential Construction
- 2.1.5 Provide Buffer for Existing Residential
- 2.1.6 Reinforce Existing Residential Development Pattern
- 2.1.9 Encourage Planned Residential Development
- 2.1.10 Encourage Diversity in Housing Opportunities
- 2.1.11 Restrict Access of Individual Homes on Arterial Streets
- 2.2 No Residential Projects in the Valley
- 7.2 Multi-Modal Transportation Design
- 7.2.1 Maintain Proper Level of Service
- 7.2.3 Maintain Proper Traffic Flow
- 7.2.4 Encourage Sidewalks
- 7.2.5 Right-of-Way Dedication
- 7.2.9 Access Management
- 7.4 Cooperation with Other Agencies

### I. SPECIFIC CRITERIA

A. **Site Development Plans shall adhere to specific design criteria.**

B. **Definitions**

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

C. **PERMITTED USES**

1. The uses allowed this R-4 PEU District shall be:

- a. Six (6) Single Family Detached Units.
- b. Two (2) Single Family Attached Units.

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

**1. HEIGHT**

- a. The maximum height of the building, exclusive of roof screening, shall not exceed three (3) stories or thirty-five (35) 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, exterior stairwells, flag poles or fences will be located within the following setbacks:

- a. Twenty (20) feet from the new right-of-way Old Baxter Road on the eastern boundary of the R-4 PEU District.
- b. Fifteen (15) feet from all other boundaries of the R-4 PEU District.
- c. Twelve (12) feet between structures.
- d. Twenty (20) feet from the edge of pavement of the interior street.

**2. PARKING AND LOADING SPACE SETBACKS**

No parking stall, loading space, internal driveway, or roadway, except points of ingress and egress, will be located within the following setbacks:

- 1. Thirty-five (35) feet from the new right-of-way of Old Baxter Road.

**F. PARKING AND LOADING REQUIREMENTS**

- 1. Parking and loading spaces 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 Old Baxter 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 work with the adjacent commercial properties to improve and enhance the existing landscape buffer.
- 3. A 42" high ornamental fence is required on the property boundary abutting existing residential and commercial property.

4. The completion of G2 and G3 of this section will allow for a zero (0) foot landscape buffer adjacent to the commercial and residential properties.

**H. SIGN REQUIREMENTS**

1. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield Department of Public Works, 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. 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.

**K. ACCESS/ACCESS MANAGEMENT**

1. Access to Old Baxter Road shall be limited to one street approach.

**L. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION**

1. Provide additional right of way/roadway easements, or a combination thereof, for Old Baxter Road along the entire frontage of the site, as directed by the Department of Public Works.
2. Improve Old Baxter Road along the entire frontage of the site to 1/2 of a 26 foot pavement, including curb, and storm drainage facilities, as directed by the Department of Public Works.
3. Provide a 5 foot wide sidewalk, conforming to ADA standards, along Old Baxter Road as directed by the Department of Public Works.
4. All streets within this development shall be private and remain private forever. Maintenance of private streets, including, but not limited to, 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. In conformance with Section 1005.180 of the Subdivision Ordinance, the method for providing continuous maintenance of streets and appurtenant storm sewers shall be included in the trust indentures and the record plat.

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

5. Internal streets shall be constructed in accordance with Section 1005.180 of the Subdivision Ordinance of the City of Chesterfield or a variance is granted.
6. 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.
7. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield. No gate installation will be permitted on public right of way.
8. 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.

**M. TRAFFIC STUDY**

A traffic study, as directed by the City of Chesterfield, including internal and external circulation, may be required for review, and approval, by the City of Chesterfield Department of Public Works, prior to Site Development Plan approval.

**N. 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.

**Q. STORMWATER AND SANITARY SEWER**

1. 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 preconstruction and post-construction surveys of these facilities and determine any changed condition. Preconstruction 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 3 months of the post-construction survey. If the owner/operator of potentially impacted facilities will not grant the developer the necessary easements to complete the surveys and/or restorative work, the requirements in this paragraph are null and void. The required bond and preconstruction survey of downstream facilities shall be submitted prior to approval of a grading permit or improvement plans.

The developer shall also investigate the adequacy of the existing erosion protection at the pipe that discharges into the downstream lake, and shall provide additional erosion protection as directed by the Department of Public Works.

2. Provide public sewer service for the site, including sanitary force main and/or gravity lines, in accordance with the Metropolitan St. Louis Sewer District.
3. Provide information about the storm water run-off situation. Where will the water be directed and what is Public Works' position on the matter.
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 (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 30 feet horizontally from the limits of the 100-year high water.

**R. ROADWAY IMPROVEMENTS AND CURB CUTS.**

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

**S. GEOTECHNICAL REPORT.**

1. Provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the Department of Public Works. 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 all Site Development Plans and Improvement Plans.

**T. GRADING AND IMPROVEMENT PLANS.**

1. A 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.
2. 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.
3. No grading which results in a change in watersheds will be permitted.
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, 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.

**R. 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.

**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**

- 1. 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.
- 2. Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one additional year.
- 3. A grading permit or improvement plan approval is required prior to any clearing or grading.
- 4. 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.
- 5. 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.

### **V. GENERAL CRITERIA – SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS**

The Site Development Plan shall adhere to the above criteria and to the following:

- 1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.

2. Outboundary plat and legal description of the property.
3. Density Calculations.
4. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for designed for handicapped.
5. Provide open space percentage for overall development including separate percentage for each lot on the plan.
6. Provide Floor Area Ratio (F.A.R.)
7. A note indicating all utilities will be installed underground
8. A note indicating signage approval is separate process.
9. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.
10. Specific structure and parking setbacks along all roadways and property lines.
11. Indicate location of all existing and proposed free standing monument signs
12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different that site
13. Floodplain boundaries.
14. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways 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.
15. Depict all existing and proposed easements and rights of way within 150 feet of the site and all existing or proposed off-site easements and rights of way required for proposed improvements.
16. Indicate the location of proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
17. Depict existing and proposed contours at intervals of not more than two (2) foot, and extending one hundred fifty (150) feet beyond the limits of the site as directed.
18. Address trees and landscaping in accordance with the City of Chesterfield Code.

19. Provide a lighting plan in accordance with the City of Chesterfield Code.
20. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
21. 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.
22. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District.

**VI. TRUST FUND CONTRIBUTION**

The developer shall contribute a Traffic Generation Assessment (TGA) to the Chesterfield Village Road Trust Fund. This contribution shall not exceed an amount established by multiplying the ordinance-required parking spaces by the following applicable rates:

<u>Type of Development</u>	<u>Required Contribution</u>
Single Family Dwelling	\$879.10/parking space

(Parking Space as required by the 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.

The amount of the required contribution, if not approved by January 1, 2007, 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.

Traffic generation assessment contributions shall be deposited with Saint Louis County prior to the issuance of building permits. If development phasing is anticipated, the developer shall provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development.

**VIII. 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..

**X. VERIFICATION PRIOR TO SPECIAL USE PERMIT ISSUANCE**

Prior to any Special Use Permit being issued by St. Louis County Department of Highways and Traffic, a special cash escrow must be established with this Department to guarantee completion of the required roadway improvements.

**XI. VERIFICATION PRIOR TO IMPROVEMENT PLAN APPROVAL**

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

1. Comments/approvals from the Metropolitan St. Louis Sewer District and the appropriate Fire District and any other applicable agency as required by the Department of Planning.
2. Copies of recorded easements for off-site work, including book and page information, will be provided.

**Verification Prior to Record Plat Approval**

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.

**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 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.

4. A grading permit or improvement plan approval is required prior to issuance of a building permit. In extenuating circumstances, an exception to this requirement may be granted.
5. All required subdivision improvements in each plat of a subdivision shall be completed prior to issuance of more than 85% of the building permits for all lots in the plat.

### **XIII. OCCUPANCY PERMIT/FINAL OCCUPANCY**

1. Prior to the issuance of any occupancy permit, floodplain management requirements shall be met.
2. 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.
3. Prior to final occupancy of any building, 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**

1. Prior to final release of subdivision construction deposits, 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.
2. 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. 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.
  2. 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.
  3. When clearing and/or grading operations are completed or will be suspended for more than 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.
  4. 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.
  5. 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.*
  6. 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.
  7. 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 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.

8. Access/utility easements may be required throughout the development. A continuous 15 foot wide rear yard easement shall be provided. At a minimum, a 10 foot wide utility/access easement shall be provided at every other lot line or break between structures, as directed.
9. 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.
10. 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.

#### **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.