

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ZONING ORDINANCE SECTION 1003.107 TO ALLOW FOR NEW CRITERIA FOR ESTATE DISTRICTS (P.Z. 19-2005 CITY OF CHESTERFIELD/VARIOUS SECTIONS OF THE ZONING ORDINANCE)

WHEREAS, the Planning Commission Ordinance Review Committee has been working on amendments to the requirements for the Estate Districts; and,

WHEREAS, the amendments include clarification of regulations, addition of development criteria, and amendment to the permitted uses; and,

WHEREAS, the Planning Commission voted to recommend said amendments by a vote of 6-0.

WHEREAS, after consideration of an amendment, the City Council approved the request with an amendment to include exceptions for the standards set forth in Table 3 and to clarify the exceptions for lot size.

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

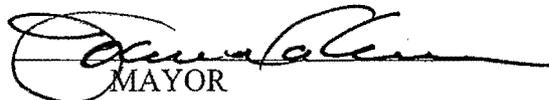
Section 1. The City of Chesterfield Zoning Ordinance is hereby amended and agrees to make necessary changes thereto, as set out in Attachment "A" which is attached hereto and made a part hereof.

Section 2. The City Council, pursuant to the petition filed by the City of Chesterfield in P.Z. 19-2005, 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 January 23, 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.

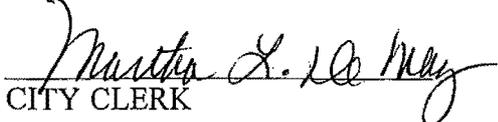
Section 3. This ordinance shall be codified within the Municipal Code of the City of Chesterfield.

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

Passed and approved this 13th day of JUNE, 2006


MAYOR

ATTEST:


CITY CLERK

1003.107 "E" Estate Residence Districts

1. Introduction.

- A. The purpose of this section is to establish the "E" Estate Residence Districts ("E" Districts). The intent of the "E" Districts is for the promotion of flexibility in development and design while preserving and enhancing the community character of the area with well-buffered, well-landscaped neighborhoods.
- B. "E" Estate Residence Districts are established as a straight zoning. The three types of "E" Districts are: "E-Two Acre", "E-One Acre", and "E-Half Acre".

2. Permitted and Accessory Uses.

- A. The following is a list of permitted uses in all "E" Districts.
- (1.) Detached single-family homes.
 - (2.) Churches and other places of worship.
 - (3.) Schools, public or private, including kindergarten, elementary, secondary and collegiate.
 - (4.) Parks, parkways, and playgrounds, public or private not-for-profit.
 - (5.) Forest and wildlife reservations including conservation projects.
 - (6.) Home Occupations
 - (7.) Local public utility facilities, provided that any installation other than poles and equipment attached to the poles, shall be:
 - a. Adequately screened with landscaping, fencing or walls or any combination thereof; or
 - b. Placed underground; or
 - c. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.
 - (8.) Police and fire stations.
- B. Attached single-family homes are only permitted in the E-Half Acre district.
- C. The following uses may be permitted with a Conditional Use Permit in all "E" Districts.
- (1.) Administrative offices for educational facilities and administrative offices for religious purposes.
 - (2.) Mortuaries, cemeteries, urn gardens, columbaria, and mausoleums, including mortuaries operated in conjunction with the cemetery or mausoleum.
 - (3.) Child care centers, child nursery schools, child day nurseries, and child or adult day care homes (daycare centers required conditional use permits)
 - (4.) Private, not-for-profit clubs, private, not-for-profit recreational land uses, and community centers.

- (5.) Foster homes.
- (6.) Group Homes for the mentally or physically handicapped occupied by no more than 9 individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the facility.
- (7.) Nursing and group homes for the elderly.
- (8.) Hospitals and hospices.
- (9.) Local public utility facilities over 60 ft in height and public utilities facilities.
- (10.) Dormitory for group living facilities related to religious, educational, or charitable purposes.
- (11.) Radio, television, and communication transmitting, receiving, or relay towers and facilities.
- (12.) Retreats owned and operated by religious, educational, or other not-for-profit establishments.
- (13.) Riding stables and kennels.
- (14.) Satellite dishes (additional provisions in Section 1003.167.17)
- (15.) Sewage facilities, other than facilities permitted as an accessory use.
- (16.) Specialized private schools.
- (17.) Libraries, public or not-for-profit.

D. Accessory Land Uses.

- (1.) Accessory land uses are subject to compliance with the procedures of this section. Accessory buildings and structures are permitted in conjunction with a permitted land use or (unless restricted by applicable condition) a conditional land use when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, and serves only to further the successful utilization of the primary use.
- (2.) Accessory land uses for all "E" Districts include the following:
 - a. Devices for generation of energy, such as solar panels, wind generators, and similar devices;
 - b. Individual sewage treatment facilities serving an individual dwelling, farm, or nonresidential use, as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed 5,000 gallons per day flow;
 - c. Private stables, including an indoor riding arena.

3. Lot Size and Density Regulations.

A. Minimum lot areas for non single family uses are listed in Table 1:

TABLE 1: MINIMUM LOT AREA FOR NON SINGLE FAMILY USES			
Use	Minimum Lot Area (in acres)		
	E-TWO ACRE	E-ONE ACRE	E-HALF ACRE
Administrative offices for educational or religious facilities	3	3	3
Child care centers, child nursery schools, child day nurseries, and child or adult day care homes	3	2	1
Churches or other places of worship	5	5	3
Dormitory and group living facilities	5	5	5
Group living facilities for religious purposes	2	1	½
Library	4	4	4
Local public utility facilities	10,000sq ft.	10,000sq ft.	10,000sq ft.
Sewage facility	1	1	1
Mortuary (also requires 200 ft frontage on state road and adjacent to existing commercial district)	3	3	3
Riding stables and kennels	5	5	5
Schools:			
Kindergarten	3	3	3
Primary	5	5	5
Junior High	10	10	10
Senior High	20	20	20
Collegiate	10	10	10
All other non-residential permitted uses	5	5	5

B. Lot size and density requirements for single family residential developments are listed in Table 2. The maximum density of units per development shall be dependent upon the type of "E" District utilized.

TABLE 2: LOT SIZE AND DENSITY FOR SINGLE FAMILY RESIDENTIAL DEVELOPMENT			
District	Minimum Lot Size	Density	Density Example
E-Two Acre	1 acre	2 acres per home	A 10 acre development can have max. 5 homes on site.
E-One Acre	22,000 sq. ft	1 acre per home	A 10 acre development can have max. 10 homes on site.
E-Half Acre	15,000 sq. ft	½ acre per home	A 10 acre development can have max. 20 homes on site.

C. Calculating lot size.

- (1.) Private streets shall not be counted towards the minimum lot size.
- (2.) In E-Two Acre and E-One Acre Districts, all buffers shall not be counted towards the minimum lot size.

D. Exceptions.

- (1.) The standard regarding lot size in Section B above may be modified when the following is met:
 - (a.) The petitioner has demonstrated that said modification will encourage, promote, and reward good architecture and urban planning; and
 - (b.) The petitioner has demonstrated the existence of a practical difficulty such as the topography of the site and the request is not based on mere convenience or to maximize density; and
 - (c.) Notwithstanding the recommendation of the Planning Commission, if it may be demonstrated that a modification will encourage, promote, and reward good architectural and urban planning by a majority vote of City Council, the Council may modify the standards contained in this section.

4. Development Standards for Single Family Residential Use.

A. Development standards are set forth in Table 3.

TABLE 3: DEVELOPMENT STANDARDS			
Development Standard	E-Two Acre	E-One Acre	E-Half Acre
Minimum front yard setback from local streets as established by the City of Chesterfield.	25 ft	25 ft	20 ft
Minimum rear yard setback local streets	25 ft	25 ft	20 ft
Minimum side yard setback*	25 ft; 50 ft between structures	20 ft; 40 ft between structures	15 ft; 30 ft between structures
Pavement and right-of-way widths shall be as specified in the Subdivision Regulations (Section 1005.180). For the "E" Districts, the off-street parking, loading and internal drive requirements are comparable to the corresponding "R" District or as directed by the Department of Public Works	Correspond to Street Matrix or as directed by Department of Public Works	Correspond to Street Matrix or as directed by Department of Public Works	Correspond to Street Matrix or as directed by Department of Public Works

Maximum Building Height (except church steeples which may be 100 ft)	50 ft	50 ft	50 ft
Minimum Dedicated Landscape Buffer Along Collector and Arterial Roadways**	30 ft	30 ft	30 ft
Structure setback from arterial and collector roadways	80 ft	80 ft	80 ft

* Side yard setback may be reduced up to 5 feet if the adjacent lot's neighboring side yard setback is increased by the same amount so the distance between structures remains at the minimum required in each "E" District.

** When the development adjoins a collector or arterial roadway, as established by the Comprehensive Plan or as determined by the Director of Public Works, a minimum dedicated 30 foot landscape buffer shall be provided. In no case shall the total number of units in the development (net acreage) exceed the average acreage per unit as established by the underlying zoning.

B. Additional landscape buffering could be required for developments under review having a greater density than the existing adjacent development, as directed by the City of Chesterfield.

C. Exceptions.

(1.) The standards set forth above in Table 3 may be modified when the following is met:

- (a.) The petitioner has demonstrated that said modification will encourage, promote, and reward good architecture and urban planning; and
- (d.) The petitioner has demonstrated the existence of a practical difficulty such as the topography of the site and the request is not based on mere convenience or to maximize density; and
- (e.) Notwithstanding the recommendation of the Planning Commission, if it may be demonstrated that a modification will encourage, promote, and reward good architectural and urban planning and the Council approves by a majority vote of City Council, the Council may modify the standards contained in this section.

5. Development Standards for Non Residential Use.

A. Development standards for non single family residential use in the “E” Districts are set forth in Table 4.

TABLE 4: DEVELOPMENT STANDARDS NON RESIDENTIAL USE			
Development Standard	E-Two Acre	E-One Acre	E-Half Acre
Minimum structure setback from every collector or arterial street	150 ft	150 ft	150 ft
Minimum structure setback from any other street	100 ft	100 ft	100 ft
Minimum structure setback from any adjacent property line	75 ft	75 ft	75 ft
Maximum Building Height *	50 ft	50 ft	50 ft
Minimum parking lot setback distance from any peripheral road **	50 ft	50 ft	50 ft

* Unless specifically stated otherwise and with the exception that church steeples may extend to 100 feet in height as measured from the average floor grade elevation of the first story.

** Parking lots shall be located at least 50 feet further from any peripheral road than the structure is from said road. No parking lots shall be located in any front, side, or rear yard setback. The term “peripheral road” refers to a minor or secondary road that connects to a major roadway.

B. No structure or plant material over 3 feet high shall be permitted in the sight distance triangle of corner lots.

C. All developments shall adhere to the tree requirements set forth in the City of Chesterfield’s City Code.

D. Boundary walls, fences, or permitted information signs of 6 feet or less are allowed within minimum front, side, and rear yard setback. Retaining walls up to 8 feet in height are permitted within all yard setbacks. When retaining walls are tiered, the minimum horizontal distance between retaining walls (closest edge to closest edge) shall be 4 feet.

E. All signage shall adhere to the requirements set forth in the City of Chesterfield’s Zoning Ordinance. Permitted directional signs of 3 feet or less are permitted within the front yard setback.

F. Lighting.

(1.) Light standards for street lighting or ingress/egress points, but not including parking lot lighting, are allowed within minimum front yard setback when approved by the Department of Planning.

(2.) All light standards and illumination levels shall adhere to the requirements set forth in the City of Chesterfield's City Code.

(3.) Light standards for parking lot lighting are allowed within the following setbacks:

- (i.) within the minimum front yard setback when approved by the Department of Planning;
- (ii.) no closer than 25 feet of any side or rear yard line adjoining property in the "NU", "AG", "PS" or any residential district.

G. Any non-residential structure, other than a public utility tower authorized by conditional use permit, which exceeds 30 feet in height shall be set back from all property lines at least one additional foot for every foot of height above 30 feet.

H. Off-street parking and loading requirements. Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives are set forth in City of Chesterfield Zoning Ordinance.

6. Dedications for Public Schools and Public Parks. Developments may include land designated for dedication for public school or public park use, which land may be considered part of the gross acreage of the development in computing the maximum number of lots that may be created or dwelling units that may be authorized, provided that:

A. The area of the proposed "E" District development shall be at least 30 acres in the case of a public school dedication and 60 acres in the case of a public park dedication, unless otherwise authorized or required by the City of Chesterfield.

B. The proposed school site is compatible with a generalized plan for school locations published by the school district.

C. Prior to approval of a site development concept plan, a written agreement between the petitioner and the school district shall be submitted to the Planning Commission for review. This agreement shall indicate who is responsible for the installation of required improvements adjacent to or affecting the school site, and when the improvements will be installed.

D. Prior to approval of a site development concept plan, a written agreement between the petitioner and the school district shall be submitted to the Planning Commission for review. This agreement shall indicate who is responsible for the installation of requirement improvements adjacent to or affecting the school site, and when the improvements will be installed.

- E. The proposed site is dedicated to public school or park use in a manner approved by the City Attorney as to legal form prior to recording of the site development concept plan.
- F. The site development concept plan identifies the boundaries of the dedicated tract within the "E" District development.
- G. The deed of dedication for a public park(s) or public school use shall provide that in the event the property shall no longer be used for that purpose, it will revert to the trustees of the subdivision which it is located as common land.

7. Community Character Development Standards.

- A. Easements for utility or access purposes shall be allowed to cross any required landscape easement or buffer, landscape area or setback. If a utility or access easement runs parallel for the whole length of a required landscape easement or buffer, landscape area or setback, the minimum width of the required landscaped buffer shall not include with width of the utility or access easement, and shall be calculated by excluding the width of the utility or access easement. If the utility or access easement crosses into the requirement landscape easement, buffer, landscaped area or setback, that portion of the utility or access easement shall be landscape and vegetations shall be replaced. Establishment of landscape buffer easements shall be directed by the City of Chesterfield.
- B. Sidewalks are optional when all lots are 1 acre or greater; when any lots are less than 1 acre, sidewalks shall be required on one side of the street and shall be encouraged to "wander" from a straight path to reduce grading and save trees or to be provided in the form of pedestrian walkways linking primary activity centers or destinations. Sidewalks must be maintained in dedicated easement with access and working room and shall comply with ADA.
- C. Jogging trails shall be allowed in any open space or buffer area but must be coordinated with any Tree Preservation Plan.
- D. Natural resource protection shall be maintained at the following levels:
 - (1.) Floodways-as specified by federal, state, county and city regulations.
 - (2.) Wetlands-as specified by federal, state, county and city regulations.
 - (3.) Flood plains-80% of all flood plain areas shall be protected and shall remain without development.
 - (4.) Steep slopes-70% of all areas exceeding a 30% slope shall be protected and shall remain without development.
 - (5.) Woodlands-per the regulations in the City of Chesterfield Zoning Ordinance.
- E. Right-of-way grading. Slopes from the curb that go downhill at any slope larger than 1% must have a minimum of 4 feet of ground adjacent to the curb that is a

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maximum of a 1% downward slope, except in areas near a storm sewer, where there must be a minimum of 7 feet of ground that is a maximum of a 1% downward slope. For the purposes of this requirement, "near" shall mean within 10 feet (measured along the curb) from the storm sewer.

- G. Stormwater. Open swales, as opposed to enclosed systems, shall be permitted where appropriate as deemed so by the Department of Public Works.