

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY ESTABLISHING A PLANNED ENVIRONMENT UNIT (PEU) SPECIAL PROCEDURE IN THE "R-2" 15,000 SQUARE FOOT RESIDENTIAL DISTRICT FOR 8.85 ACRES OF LAND LOCATED EAST OF SCHOETTLER VALLEY ON SQUIRES WAY (P.Z. 03-2006 MANORS AT SCHOETTLER VALLEY).

WHEREAS, the Petitioner, Taylor Morley, requested a special procedure in zoning from Planned Environment Unit (PEU) in an "R-2" 15,000 Square Foot Residential District; and,

WHEREAS, the Planning Commission held a public hearing regarding the said request on February 27, 2006; and,

WHEREAS, the Planning Commission upon review of said request recommended approval by a vote of 7-0 on April 24, 2006 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 address the maintenance of the proposed retaining walls.

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-2" 15,000 square foot residential district for a 8.85 acre tract of land located east of Schoettler Valley on Squires Way Drive in the City of Chesterfield as follows:

LAND DESCRIPTION

A TRACT OF LAND BEING PART OF LOT 1 OF EBERWEIN'S SUBDIVISION OF U.S. SURVEY 1978 TOWNSHIP 45 NORTH RANGE 4 EAST IN ST. LOUIS COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN OLD STONE AT THE MOST EASTERN CORNER OF SAID LOT 1, THENCE ALONG THE SOUTHEAST LINE OF SAID LOT 1, SOUTH 56 DEGREES 30 MINUTES WEST, A DISTANCE OF 422.99 FEET TO AN OLD STONE, BEING A CORNER COMMON TO U.S. SURVEY 412 AND U.S. SURVEY 1890; THENCE CONTINUING ALONG SAID SOUTHEAST LINE SOUTH 58 DEGREES 4 MINUTES WEST, A DISTANCE OF 278.94 FEET TO AN IRON PIPE; THENCE NORTH 31 DEGREES 29 MINUTES 08 SECONDS WEST, A DISTANCE OF 667.33 FEET TO AN IRON PIPE; THENCE NORTH 58 DEGREES 30 MINUTES 52 SECONDS EAST, A DISTANCE OF 206.00 FEET TO AN IRON PIPE; THENCE NORTH 53 DEGREES 00 MINUTES 53 SECONDS EAST, A DISTANCE OF 150.79 FEET TO A POINT IN THE LINE BETWEEN LOTS 1 AND 2 OF SAID SUBDIVISION; THENCE ALONG SAID LINE BETWEEN LOTS 1 AND 2 SOUTH 74 DEGREES 12 MINUTES EAST, A DISTANCE OF 307.12 FEET TO AN OLD STONE; THENCE SOUTH 48 DEGREES 49 MINUTES EAST, A DISTANCE OF 459.89 FEET TO THE POINT OF BEGINNING, AND CONTAINING 8.85 ACRES, MORE OR LESS. THIS DESCRIPTION IS BASED ON AVAILABLE RECORDS ONLY AND IS NOT THE RESULT OF AN ACTUAL BOUNDARY SURVEY WHICH MAY CHANGE THE FINAL

RESOLUTION OF THE DESCRIPTION, SUBJECT TO ANY EASEMENTS, RESTRICTIONS, OR CONDITIONS OF RECORD, IF ANY.

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 Taylor Morley in P.Z. 03-2006 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 27th day of February 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.

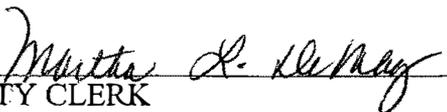
Section 4. This ordinance and the requirements thereof are exempt from the warnings and summons for violations as set out in Section 1003.410 of the zoning Ordinance of the City of Chesterfield.

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

Passed and approved this 5th day of JUNE, 2006.


MAYOR

ATTEST:


CITY CLERK

First Reading Held: 5/15/06

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
- 2.1.6 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. Information to be shown on the Site Development Concept Plan shall adhere to conditions specified under General Criteria-Concept 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.
2. A Site Development Section Plan is a plan for development for sections of the overall concept plan.
3. A 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 in this R-2 PEU District shall be:
 - a. Nine (9) Single family detached homes.

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. 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. 20 feet from the right-of-way Squires Way Drive.
 - b. 15 feet from the perimeter boundary of the R-2 PEU.
2. LOT CRITERIA

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. Eight (8) feet from any side property line.
 - b. 15 feet from any rear property line.
 - c. 20 feet from any right-of-way line of any roadway.

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. 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.

- b. 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.
- c. Construction parking shall not be permitted on public-maintained roadways. Adequate off-street stabilized parking area(s) shall be provided for construction employees.

G. LANDSCAPE AND TREE REQUIREMENTS

- 1. The developer shall submit a landscape plan, tree stand delineation, and tree preservation plan which adheres to the Tree Manual of the City of Chesterfield Code.
- 2. Landscaping in the right of way, if proposed, shall be reviewed by the City of Chesterfield Department of Public Works.
- 3. The developer shall work with the adjacent subdivision to develop a landscape buffer on the Highland Forest property. The landscape plan must show planting in the Highland Forest Subdivision which will allow access to the common ground for maintenance.
- 4. The completion of G3 of this section will allow for a zero (0) foot landscape buffer adjacent to the Highland Forest subdivision.

H. SIGN REQUIREMENTS

- 1. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield for sight distance considerations prior to installation or construction.
- 2. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code.

I. LIGHT REQUIREMENTS

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

J. 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. Cross Access shall be provided to the parcel to the south, which currently has access through this development via a recorded roadway easement.

K. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Internal streets shall be constructed in accordance with Section 1005.180 of the Subdivision Ordinance of the City of Chesterfield. With the exception that minimum street length shall not apply to this subdivision.
2. If street grades in excess of 6 percent are desired, steep grade approval must be obtained. In no case shall slopes in excess of 12 percent 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.
3. 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. 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.
4. 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. 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. 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 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.

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

5. Obtain approvals from the Department of Public Works and the Missouri Department of Transportation for areas of new dedication,, and roadway improvements.
6. The interior roadway right of way width must match the existing right of way width for Squires Way.
7. An Island shall be permitted in the proposed cul-de-sac and that will be the property of the Trustees of the subdivision.
8. All roadway and related improvements in each plat or phase of the development shall be constructed prior to 60% occupancy of that plat or phase of development. All roadway and related improvements in the overall development shall be completed prior to 85% occupancy of the overall development.
9. If roadways are designated to be private, these roadways shall 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.

L. POWER OF REVIEW

The Mayor or a Councilmember of the Ward in which a development is proposed may request that the site plan be reviewed and approved by the entire City Council. This request must be made no later than 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.

M. STORMWATER AND SANITARY SEWER

1. 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.
2. 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.
3. Detention/retention is to be provided in each watershed as required by the City of Chesterfield. The post development release rate shall not exceed the undeveloped release rate for the 1 year - 24 hour storm event, the 2 year - 24 hour storm event and the 100 year - 24 hour storm event or as directed by the Department of Public Works. 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 issuance of building permits exceeding sixty (60%) of the approved dwelling units in each plat, watershed or phase of residential development. The location and types of detention/retention facilities shall be identified on the Site Development Plan.
4. All stormwater collected onsite shall be treated prior to release into the receiving streams in order to maintain water quality and protect channels from erosion. Extended stormwater detention facilities shall be configured to completely detain a 1 inch - 24 hour event and release this volume over a minimum of 24 hours, as directed. Dry basins shall not detain stormwater longer than 72 hours, or as directed.

5. All stormwater runoff from disturbed areas shall be routed to a stormwater facility (detention, retention, extended detention, etc.) that provides, at a minimum, a 24 hour drawdown on a 1 inch - 24 hour storm, as directed.
6. Energy dissipation in the form of grade control structures shall be installed in the receiving channel from the point of discharge of a storm sewer system. In addition, the adequacy of the existing downstream conditions shall be analyzed and upgraded if necessary as directed by the Department of Public Works.
7. The lowest opening of all structures shall be set at least 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.
8. All stormwater runoff from the south watershed of the development shall be directed to the detention basin for that watershed. There is to be no water runoff across the south property line other than from the downstream face of any berm constructed adjacent to the southern property line, as directed by the Department of Public Works.

N. GEOTECHNICAL REPORT.

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.

O. FLOOD PLAIN.

1. If any development in, or alteration of, the floodplain is proposed, the developer shall submit a Floodplain Study and Floodplain Development Permit/Application as directed by the Department of Public Works. The Floodplain Study must be approved prior to approval of the Site Development Plan, as directed. The Floodplain Development Permit must be approved prior to the approval of a grading permit or improvement plans. If any change in the location of the Special Flood Hazard Area is proposed, the Developer shall be required to obtain a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency (FEMA). The LOMR

must be issued by FEMA prior to the final release of any escrow held for improvements in the development.

If any lot is proposed to be located in an existing, or proposed, Special Flood Hazard Area the lot shall be clearly labeled as being located in the floodplain on the Site Development Plan and improvement plans. The lowest Reference Level (floor), as defined by FEMA, shall be constructed a minimum of two (2) feet above the base flood elevation. The Reference Level (floor) of structures in areas removed from or within 100 feet of the Special Flood Hazard Area shall be constructed a minimum of two (2) feet above the highest base flood elevation in the vicinity of the lot unless other actions are taken that assure the structures are reasonably safe from flooding as defined by FEMA and approved by the Department of Public Works. The minimum elevation for the Reference Level for each lot shall be indicated on the Site Development Plan and improvement plans, and an Elevation Certificate, on the form developed by FEMA for that purpose, shall be submitted immediately after construction of each structure. Occupancy permits shall not be issued for structures for which an Elevation Certificate has not been submitted.

2. All new roads within and adjacent to this site shall be constructed at least one (1) foot above the base flood elevation of the Special Flood Hazard Area or protected from flood waters by an appropriate levee. Improvements to existing roadways shall be required as necessary to provide at least one access route to each lot that is at least one (1) foot above the base flood elevation.

P. 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.
2. 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.
3. A note shall be provided on the Site Development Plan and Record Plat and included on the subdivision declaration stating that the homeowners association will be responsible for the maintenance of the proposed retaining walls.

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

- A. The developer shall submit a concept plan within 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 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 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 additional year.
- C. Grading and Improvement Plan Requirements shall be met prior to start of work.
- D. A grading permit or improvement plan approval is required prior to any clearing or grading.

IV. GENERAL CRITERIA

A. 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 1 inch equals 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 handicap designed.
5. Provide open space percentage for overall development including separate percentage for each lot on the plan.
6. A note indicating all utilities will be installed underground.
7. A note indicating signage approval is separate process.
8. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.
9. Specific structure and parking setbacks along all roadways and property lines.
10. Indicate location of all existing and proposed freestanding monument signs.
11. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
12. Floodplain boundaries.
13. 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.

14. 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.
15. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
16. Depict existing and proposed contours at intervals of not more than two (2) feet, and extending 150 feet beyond the limits of the site as directed.
17. Address trees and landscaping in accordance with the City of Chesterfield Code.
18. Provide a lighting plan in accordance with the City of Chesterfield Code.
19. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
20. 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.
21. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, and Ameren UE regarding work within their overhead easement.

V. GRADING AND IMPROVEMENT PLAN REQUIREMENTS

- A. A Site Development Plan and Tree Preservation Plan must be approved prior to issuance of a grading permit or approval of improvement plans.
- B. 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.

- C. No grading which results in a change in watersheds will be permitted.
- D. 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:
 - 1. The travel route must be approved by the Department of Public Works. No deviation from the approved route will be permitted.
 - 2. An evaluation, including film record, of the current condition of the pavement on the approved travel route must be submitted.
 - 3. 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.
 - 4. All plan sheets shall indicate that vehicle loads of construction traffic using this route are not to exceed 22,400 pounds axle load or 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.
 - 5. Additional protective measures, as deemed necessary by the Department of Public Works, may also be required.
- E. Prior to grading permit or improvement plan approval, provide comments/approvals from the appropriate Fire District, St. Louis County Department of Highways and Traffic, and the Metropolitan St. Louis Sewer District.
- F. 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.

VI. RECORDING

Within 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.

VII. VERIFICATION PRIOR TO RECORD PLAT APPROVAL

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

VIII. VERIFICATION PRIOR TO FOUNDATION OR BUILDING PERMITS

- A. 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.
- B. All required subdivision improvements in each plat of a subdivision shall be completed prior to issuance of more than 85 percent of the building permits for all lots in the plat.
- C. Prior to the issuance of foundation or building permits, all approvals from all applicable agencies and the Department of Public Works, as applicable, must be received by the City of Chesterfield Department of Planning.
- D. Prior to issuance of foundation or building permits, all approvals from the City of Chesterfield, Department of Highways and Traffic and the Metropolitan St. Louis Sewer District must be received by the St. Louis County Department of Public Works.

IX. OCCUPANCY PERMIT/FINAL OCCUPANCY

- A. Prior to the issuance of any occupancy permit, floodplain management requirements shall be met.
- B. 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.
- C. 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.

X. FINAL RELEASE OF SUBDIVISION DEPOSITS

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.

XI. GENERAL DEVELOPMENT CONDITIONS

- A. 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.
- B. General development conditions relating to the operation, construction, improvement and regulatory requirements to be adhered to by the developer are as follows:
 1. When clearing and/or grading operations are completed or will be suspended for more than five (5) 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.
 2. 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.
 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.*
 4. 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.

5. 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 percent 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.
6. Access/utility easements shall 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.
7. 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.
8. This development may require an NPDES permit from the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb one or more acres.

XII. ENFORCEMENT

- A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Development Plan approved by the City of Chesterfield and the terms of this Attachment A.
- B. Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of approvals/permits by reviewing Departments and Commissions.
- C. 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.
- D. Waiver of Notice of Violation per the City of Chesterfield Code.
- E. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.