

BILL NO. 2473

ORDINANCE NO. 2288

AN ORDINANCE REPEALING ORDINANCE NUMBERS 381, 485, 499, AND 516 OF THE CITY OF CHESTERFIELD BY AMENDING THE CONDITIONS SET OUT THEREIN WITH REGARD TO THE WESTERLY PLACE SUBDIVISION WHICH IS AN ESTABLISHED "R1-A" DISTRICT IN A "PEU" LOCATED ON THE WEST SIDE OF SCHOETTLER ROAD SOUTH OF GEORGETOWN DRIVE (2297 SCHOETTLER)

WHEREAS, the petitioners, Mr. and Mrs. Dwight Smith have requested an ordinance amendment for an approximately .76 acre property, zoned "R1-A" in a "PEU" to amend the minimum lot size required for lots fronting along Schoettler Road,

WHEREAS, the Planning Commission, having considered said request, recommended approval of the request to amend the minimum lot size from 35,000 square feet to 26, 200 square feet and,

WHEREAS, the City Council, having considered said request, voted to approve the ordinance amendment.

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 hereby repeals Ordinance Numbers 381, 485, 499, and 516, and replaces them with a new ordinance the conditions of which are established in the Attachment A, which is attached hereto and made a part hereof as is fully set out herein.

Section 2. The amendment embodied in this ordinance applies to the Westerly Subdivision which is located on a tract of land south of Georgetown Drive and on the west side of Schoettler Road and described as follows:

A tract of land being lots 1, 2, 3 & 5 of Westerly, a Subdivision recorded in Plat Book 73, Page 44 of the St. Louis County Records in St. Louis County, Missouri and being more particularly described as follows:

Beginning at the most Southern corner of said Westerly: then along the southwesterly line of said Westerly North 32 degrees 05 minutes West a distance of 489.10 feet to the most Western corner of said Westerly; thence along the Northwesterly line of said Westerly North 57 degrees 45 minutes East a distance of 1, 069.10 feet to the most Northern corner of said Lot 5; thence along the Northeasterly line of said Lot 5, South 32 degrees 05 minutes East a distance of 112.55 feet to the most Western corner of said Lot 3; thence along the Northwesterly line of said Lot 3, North 57 degrees 45 minutes East a distance of 432.82 feet to the Southwesterly line of Schoettler (45 feet wide) Road; thence along said Southwesterly line South 37 degrees 24 minutes East a distance of 57.80 feet; thence South 25 degrees 05 minutes East a distance of 321.48 feet to the most Eastern corner of said Westerly; thence leaving said Southwesterly line along the Southeasterly line of said Westerly South 57

degrees 45 minutes West a distance of 1468.09 feet to the point of beginning. Containing 15.67 acres more or less.

Section 3. 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 4. The City Council, pursuant to the petition filed by Mr. and Mrs. Dwight Smith, (2297 Schoettler), requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted, 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.

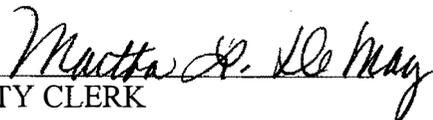
Section 5. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

Section 6. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 21st day of AUGUST, 2006.


MAYOR

ATTEST:


CITY CLERK

ATTACHMENT A

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

- 1.3 Maintain, Revise and Administer the Plan
- 2.1 Quality Residential Development
- 2.1.1 Conservation of Existing Quality of Life
- 2.1.3 Encourage Preservation of Existing Residential Neighborhoods

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 R1-A (PEU) District shall be:
 - a. a maximum of 25 single family residences

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

1. BUILDING REQUIREMENTS

- a. All lots shall be a minimum of 15,000 square feet in area.
- b. Lots 1 and 2 that front Schoettler Road shall be a minimum of 26,200 square feet in area. The area of these lots fronting Schoettler Road shall be determined prior to deduction of the dedication area for Schoettler Road.

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 of Schoettler on the eastern boundary.
- b. 10 feet from the southern boundary with the bearing of N57° 45' 00" E.
- c. 25 feet from the western boundary with the bearing of S32° 5' 00"E.
- d. 25 feet from the northern boundary with the bearing of N57 45' 00"E.
- e. 25 feet from the eastern boundary with the bearing of N32° 5' 00"W.
- f. 25 feet from the northern boundary with the bearing of N27° 45' 00"E.

2. Lot Criteria

- a. Front: Twenty-five (25) feet from roadway right-of way, except that a thirty (30) foot front yard shall be established along Schoettler Road.
- b. Rear: Fifteen (15) feet
- c. Side: Eight (8) feet with a minimum distance between structures of twenty (20) feet.

- d. Yards abutting the perimeter of the PEU shall comply with setbacks of the underlying district.

F. PARKING AND LOADING REQUIREMENTS

1. Minimum parking requirements shall be as required by the City of Chesterfield Zoning Ordinance
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.
1. Landscaping in the right of way, if proposed, shall be reviewed by the City of Chesterfield Department of Public Works, and/or the St. Louis County Department of Highways and Traffic.
2. All new deciduous trees shall be a minimum of one and one-half (1 ½) inches in caliper. All new evergreen trees shall be a minimum of four (4) feet in height, and all shrubs shall have a minimum diameter of eighteen (18) inches.
3. All landscaping improvements shall be escrowed along with the other standard subdivision improvements.

4. A twenty-five (25) foot natural landscape buffer consisting of a combination of existing and new trees shall be provided along the perimeter of the development, except adjacent to Schoettler Road and Lots 1, 3, 4, 6, and 7, as designated upon the preliminary development plan. A ten (10) foot natural landscape buffer shall be provided along the southern portion of Lots 11, 12 and 13, as designated upon the preliminary development plan. The existing large tree on Lot 13, as indicated on the proposed grading plan, shall be protected by a tree well or similar protective shield.
5. The natural landscape buffer area shall be undisturbed, except for necessary installation of utilities, detention areas, and streets. Restoration of disturbed areas shall be as approved by the Planning Commission on the site development plan. The proposed location of any utilities within the natural buffer area shall be approved by the City of Chesterfield.

H. SIGN REQUIREMENTS

1. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield, and/or the St. Louis County Department of Highways and Traffic, 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. ARCHITECTURAL

1. Submit elevations of proposed new single-family residences to the Planning Commission for review and approval.

K. ACCESS/ACCESS MANAGEMENT

1. Streets and drives related to this development shall be designed and located in conformance with the Chesterfield Driveway Access Location and Design Standards, as originally adopted by Ordinance No. 2103 and as may be amended from time to time.
2. Access to this development from Schoettler Road shall be limited to one (1) street approach intersection located to provide required

sight distance and one (1) existing private driveway with turnaround capabilities, as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield.

3. Provide a street stub to the adjacent undeveloped property to the south, as directed by the Department of Public Works and the City of Chesterfield.

L. 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.
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 and the St. Louis County Department of Highways and Traffic. No gate installation will be permitted on public right of way. A minimum stacking distance of 60 feet from any intersection and a turnaround for rejected vehicles designed to accommodate a single unit truck shall be provided in advance of the gate, as directed by the Department of Public Works and the St. Louis County Department of Highways and Traffic.
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, the St. Louis County Department of Highways and Traffic, and the Missouri Department of Transportation for areas of new dedication, curb cuts and roadway improvements.
6. Improve Schoettler Road to one-half of a sixty (60) foot right-of-way, a thirty-six (36) foot pavement, and a four (4) foot stabilized shoulder, including all open storm drainage facilities and required tapers, as directed by the St. Louis County Department of Highways and Traffic. Additional dedication to improve Schoettler Road to one-half of an eighty-two (82) foot right-of-way shall be to the City of Chesterfield.
7. Provide a sidewalk adjacent to Schoettler road, or provide a cash escrow, as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield.
8. Maintenance of subdivision streets, including, but not limited to, snow removal, shall be the responsibility of the developer until such time as the streets are accepted for maintenance by the City of Chesterfield.
9. As portions of these roadway improvements may require the acquisition of additional right-of-way and easements from private property, the normal sequence of design, right of way acquisition and construction shall commence immediately upon approval of the requested rezoning. If the developer is unable to acquire the necessary right-of-way and easements through negotiation with the particular property owners involved, St. Louis County will acquire same through eminent domain proceedings. The cost of appraisals, negotiations, administration, court proceedings, and all associated costs incurred by Court proceedings shall be paid by the developer.

10. Provide a minimum pavement width of thirty-three (33) feet for a left turn lane 100 feet in length, plus required tapers, on Schoettler Road.

M. TRAFFIC STUDY (if applicable)

1. Provide a traffic study as directed by the City of Chesterfield and/or the Missouri Department of Transportation. The scope of the study shall include internal and external circulation and may be limited to site specific impacts, such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other improvements required, as long as the density of the proposed development falls within the parameters of the City's traffic model. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.
2. Provide a sight distance evaluation report, as required by the City of Chesterfield, for the proposed entrance onto Schoettler Road. If adequate sight distance cannot be provided at the access location, acquisition of right of way, reconstruction of pavement, including correction to the vertical alignment, and/or other off-site improvements shall be required, as directed by the City of Chesterfield and/or the Missouri Department of Transportation.

N. 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.

O. 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. 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 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 60 percent 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.
4. 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.
5. Additional detention capacity will be required in order not to exacerbate existing stormwater problems within the area of this development. Reduction in peak stormwater discharge rate shall be a minimum of 25%.
6. The developer is required to provide adequate stormwater systems in accordance with City of Chesterfield standards.
7. Submit to the Department of Planning a preliminary engineering plan approved by the Department of Public Works and the St. Louis County Department of Highways and Traffic, as relates to Schoettler road, showing that adequate handling of stormwater drainage is provided.

R. 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.

S. 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. Exterior trash areas in common ground (if any) shall be surrounded by six (6) foot high sight-proof fencing.

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. 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 freestanding monument signs.
12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than 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 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, the St. Louis County Department of Highways and Traffic.
23. Compliance with Sky Exposure Plane.

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 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.

VIII. 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

IX. 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, St. Louis County Department of Highways and Traffic and the Metropolitan St. Louis Sewer District must be received by the St. Louis County Department of Public Works.
- E. Improvements to Schoettler Road must be completed prior to the issuance of building permits in excess of sixty (60) percent of the total. If development phasing is anticipated, the developer shall complete road improvements, right-of-way dedication, and access requirements for each phase of development prior to issuance of building permits in excess of sixty (60) percent of the total in any one phase. As previously noted, the delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.
- F. Complete the vacation of the existing Westerly Drive.

XI. 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.

XII. 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.

XIV. 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.
- C. If roadways in this petition are to be private roadways, these roadways shall remain private forever. Maintenance of private roadways shall be the responsibility of the property owner(s) or trustees forever.

The existence of private roadways within the development requires disclosure by the developer of responsibility for street maintenance in accordance with the provisions of Section 1005.265 of the City of Chesterfield Subdivision Ordinance.

- D. A copy of the most recently approved Site Development Plan for this P.E.U. development shall at all times be prominently displayed in all display area sales offices within this development.

XV. ENFORCEMENT

- A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the 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.