

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A "C8" PLANNED COMMERCIAL DISTRICT TO "PC" PLANNED COMMERCIAL DISTRICT FOR 1.25 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF OLIVE ROAD, EAST OF CHESTERFIELD PARKWAY. [P.Z. 19-2006 KEYS TO SUCCESS (15464 OLIVE BLVD.)]**

**WHEREAS**, the Petitioner, Michael Doster, requested a change in zoning from "C8" Planned Commercial District to an "PC" Planed Commercial District; and,

**WHEREAS**, the Planning Commission held a public hearing regarding the said request on August 14, 2006; and,

**WHEREAS**, the Planning Commission upon review of said request recommended approval by a vote of 6-0 on August 14, 2006; and,

**WHEREAS**, the City Council, having considered said request, recommended approval of the rezoning with amendments regarding fencing, landscaping, building maintenance and the permitted uses.

**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 change in zoning of a "C8" Planned Commercial District to a "PC" Planned Commercial District for 1.25 acre tract of land located on the south side of Olive Road and east of Chesterfield Parkway in the City of Chesterfield as follows:

**LAND DESCRIPTION**

A tract of land being part of the August Hill Estate in U.S Survey 415, Township 45 North, Range 4 East, described as: Beginning at a stone in the South line of Olive Street Road at its intersection with the East line of said August Hill Estate; thence South 32 degrees 16 minutes East along the East line of said Hill Estate 430 feet 6 inches to a point; thence South 57 degrees 26 minutes West 126 feet 3 inches to a stone; thence North 32 degrees 16 minutes West 430 feet: 5 inches to a stone in the South line of said Olive Street Road; thence along the South line of said Road, North 57 degrees 16 minutes East 126 feet 3 inches to the beginning, known and numbered as 15464 Olive Street Road, St. Louis, Missouri 63117.

**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.

**Section 3.** The City Council, pursuant to the petition filed by Michael Doster in P.Z. 19-2006 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 14th day of August 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 6th day of September, 2006.

  
MAYOR

ATTEST:

  
DEPUTY 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
- 3.1 Quality Commercial Development
- 3.2.2 Community Retail Facilities
- 3.4.1 Preserve Aesthetics and Public Safety
- 7.2.4 Encourage Sidewalks

### 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 "PC" Planned Commercial District shall be:
  - a. Furniture store;
  - b. Associated work and storage areas required by a business, firm, or service to carry on business operations.
  - c. Service facilities, studios, or work areas for antique salespersons, artist, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises.
  - d. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, are

being offered for sale or hire to the general public on the premises.

2. For purposes of use "d" above, "goods or services" shall be limited to the following specific retail uses:
  - (a) Accounting services;
  - (b) Antiques;
  - (c) Apparel and accessories;
  - (d) Cameras and photographic supplies;
  - (e) Candy, nut and confectionery;
  - (f) China, glassware, metalware;
  - (g) Crafts;
  - (h) Home décor;
  - (i) Electronics;
  - (j) Floor coverings;
  - (k) Florists;
  - (l) Furniture;
  - (m) Furriers and fur apparel;
  - (n) Gifts, novelties and souvenirs;
  - (o) Wall coverings and window treatments;
  - (p) Hearing aids, optical goods, orthopedic appliances and other similar devices;
  - (q) Hobby supplies;
  - (r) Home furnishings;
  - (s) Jewelry;
  - (t) Musical instruments and supplies;
  - (u) Office equipment sales and service;
  - (v) Office supplies;
  - (w) Shoes;
  - (x) Sporting goods;
  - (y) Stationery;
  - (z) Alteration, pressing and garment repair;
  - (aa) Barber and beauty services;

- (bb) Blueprinting and photocopying services;
- (cc) Dry cleaning and laundering pickup services;
- (dd) Duplicating, mailing and stenographic services;
- (ee) Photo finishing services;
- (ff) Postal services (private).

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

1. FLOOR AREA

Total building floor area shall not exceed 14,000 square feet.

2. HEIGHT

- a. The maximum height of the building, exclusive of roof screening, shall not exceed one (1) story in height.

3. BUILDING REQUIREMENTS

- a. Openspace: Openspace includes all areas excluding the building or areas for vehicular circulation.

A minimum of 25% openspace is required for this development.

- b. Floor Area Ratio: F.A.R. is the gross floor area of all buildings on a lot divided by the total lot area. This square footage does not include any structured or surface parking. Planning Commission may request two (2) calculations: one (1) calculation for those areas above grade and another that includes building area below grade.

This development shall have a maximum F.A.R. of .32.

**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. Eighty-five (85) feet from the existing right-of-way of Olive Street Road.
- b. Fifteen (15) feet from the eastern boundary of the "PC" District.
- c. Fifteen (15) feet from the western boundary of the "PC" District.
- d. Fifteen (15) feet from the southern boundary of the "PC" District.

## 2. PARKING SETBACKS

- a. No parking stall, internal driveway, or roadway, except points of ingress and egress, will be located in front of the structure within the following setbacks:
  - i. Fifteen (15) feet from the eastern boundary of the "PC" District.
  - ii. Fifteen (15) feet from the existing right-of-way of Olive Street Road.
  - iii. Setbacks from the west property limits of this "PC" development shall be as approved by the Planning Commission on the Site Development Plan.
- b. No parking space, loading space, internal drive or other structure than a sight proof fence shall be located behind the proposed structure within the following setbacks.
  - i. Thirty (30) feet from the eastern boundary of the "PC" District.
  - ii. Ten (10) feet from the southern boundary of the "PC" District.
  - iii. Setbacks from the west property limits of this "PC" District shall be as approved by the Planning Commission on the Site Development Plan.

## B. LOADING SPACE SETBACKS

No loading space will be located within the following setbacks:

- a. Thirty (30) feet from the eastern boundary of the "PC" District.
- b. One hundred and twenty five (125) feet from the southern boundary of the "PC" District.
- c. Eighty five (85) feet from the western boundary of the "PC" District.

**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.
3. Parking lots shall not be used as streets.

**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, and/or the St. Louis County Department of Highways and Traffic.
3. A continuous earthen berm shall be constructed along the entire eastern side of the subject property. Said berm shall increase in height as it progresses in a southerly direction along the east property line and shall be designed to divert stormwater on the

property away from the rear of the abutting single family lots on the east.

4. A six (6) foot high sight-proof fence shall be installed parallel to the south property line adjacent to those parking areas adjoining residential property.
5. A six (6) foot high sight-proof fence shall also be installed parallel to the east property line along the top of the berm between parking areas, including drives, and residential property to the east.
6. Intensified landscaping shall be provided along both sides of the berm and all sight-proof fencing. Landscaping shall consist of vertical shrubbery, evergreen trees including pines, and deciduous trees. Landscaping between the building and residential properties to the east shall consist of six (6) foot pines planted on five (5) foot centers in a zig-zag pattern.
  - a. All new deciduous trees shall be a minimum of two (2) inches in caliper. All new evergreen trees shall be a minimum of six (6) feet in height. All new shrubs shall be a minimum of eighteen (18) inches.
  - b. Planter islands shall be installed at the ends of parking rows as approved by the Planning Commission on the Site Development Plan.
  - c. All other building and parking setbacks shall be landscaped as approved by the Planning Commission on the Site Development Plan.

#### **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.
3. Temporary signs, portable signs, and roof signs are specifically prohibited.

#### **I. LIGHT REQUIREMENTS**

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

2. Light standards shall not exceed sixteen (16) feet in height.
3. No on-site illumination source shall be so situated that light is cast directly on adjoining properties or public roadways. All security lighting shall be shielded so as not to illuminate adjacent residential properties.

**J. ARCHITECTURAL**

1. The developer shall submit architectural elevations, including but not limited to, colored renderings and building materials. Architectural information is to be reviewed by the Architectural Review Board and the Planning Commission.
2. Building facades should be articulated by using color, arrangement or change in materials to emphasize the facade elements. The planes of the exterior walls may be varied in height, depth or direction. Extremely long facades shall be designed with sufficient building articulation and landscaping to avoid a monotonous or overpowering appearance.
3. Trash enclosures: The location and elevation of any trash enclosures will be as approved by the Planning Commission on the Site Development Plan. All exterior trash areas will be enclosed with a six (6) foot high sight-proof enclosure complimented by adequate landscaping approved by the Planning Commission on the Site Development Plan. The material will be as approved by the Planning Commission in conjunction with the Site Development Plan.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

**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 Olive Boulevard shall be limited to one (1) driveway approach.
3. Access to this development shall be restricted to the existing entrance until such time as a significant change is made to the building or the site layout. At that time the access to Olive Boulevard shall be relocated to the eastern side of the site to align with the existing drive across the street as directed by the

Department of Public Works and the Missouri Department of Transportation.

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

1. Obtain approvals from the Department of Public Works and the Missouri Department of Transportation for areas of new dedication and roadway improvements.
2. If any significant change is made to the building or the site layout, a five (5) foot wide sidewalk, conforming to ADA standards, along the Olive Boulevard frontage of the site shall be provided. The sidewalk may be located within State right-of-way, if permitted by the Missouri Department of Transportation, or within a six (6) foot wide sidewalk, maintenance and utility easement.
3. Any improvements within MoDOT's right of way will require permit. The entrance geometrics and drainage design shall be in accordance with Missouri Department of Transportation (MoDOT) standards.
4. Provide any additional right-of-way and construct any improvements to Olive Boulevard, as required by the Missouri Department of Transportation.

**M. 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.

**N. 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. If any significant change is made to the building or the site layout, emergency overflow drainage ways to accommodate runoff from the on hundred (100)-year storm event shall be provided for all storm sewers, as directed by the Department of Public Works. If any significant change is made to the building or the site layout, detention/retention and other storm water quantity and quality

management measures are to be provided in each watershed as required by the City of Chesterfield. The storm water quantity management facilities, related to flood and channel protections, 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 storm water management facilities shall be identified on the Site Development Plan.

3. 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. 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 thirty (30) feet horizontally from the limits of the 100-year high water. Wetland mitigation shall not be permitted within a detention/retention basin.
4. The petitioner shall provide adequate detention and/or hydraulic calculations for review and approval of all storm water that will encroach on MoDOT right of way.
5. All drainage detention storage facilities be placed outside of the standard governmental agency planning and zoning setbacks, or fifteen (15) feet from the new or existing right of way line, whichever is greater.

**O. 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.

**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. Trash pick up shall be limited to the hours of 7:00 a.m. to 5:30 p.m..

## **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. 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 one hundred fifty (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 one hundred fifty (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) feet, and extending one hundred and 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, and the Missouri Department of Transportation.
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, Missouri Department of Transportation, 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. TRUST FUND CONTRIBUTION

- A. Contribute to the Chesterfield Village Trust Fund in a manner similar to the previous contributions required of other developers in the area. Accordingly, prior to the issuance of building permits the developer will deposit the sum of \$19,650.00 with St. Louis County. The contribution will be used to help defray the cost for engineering, right-of-way

acquisition, and construction of the roadway bridge and interchange at U.S. Highway 40, in accordance with the assessment required in Ordinance Numbers 6814-6817, 1973 and completion of the Chesterfield Parkways in the petitioner's quadrant of the Route 40/340 interchange.

## **VII. 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.

## **VIII. 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.

## **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.

## **X. 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. 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.
- C. 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.
- D. 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.*

- E. 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.
- F. 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.
- G. 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.

## **XI. ENFORCEMENT**

- A. 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.
  - 1. The following conditions shall be met within six (6) months of adoption of this ordinance:
    - (a.) In regards to fencing:
      - (i.) Replace the existing fence with a new six (6) foot tall sight proof privacy fence along the eastern border of the property along the top of the berm. The new fence would have the "good" side facing the residents.
      - (ii.) Extend the sight proof fence to include the exit door on the eastern side of the building. This will not be required if installing the fence would result in the loss of any of the

existing pine trees as determined by the Department of Planning.

(iii.) Install a vertical fence from the front of the building (northeast corner) to the privacy fence to prevent cut through area.

(b.) In regards to landscaping and building maintenance:

(i.) All dead trees will be cut down along the eastern border. There are approximately 8 dead trees.

(ii.) Trim dead branches on many of the trees along the eastern border. Prune several live branches that extend into the residents' back yards.

(iii.) Power wash the eastern side of the building.

(iv.) Clean up the trash that has accumulated on the eastern side of the building.

- 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.