

AN ORDINANCE CHANGING, AND DELETING PORTIONS OF SECTION 1003.141 (MUSEUM AND ARTS AREA) AND SECTION 1003.126A (RESIDENTIAL TEAR-DOWNS) OF THE CITY OF CHESTERFIELD ZONING ORDINANCE, AND ADDING SECTION 1003.126B (RESIDENTIAL ADDITIONS). [P.Z. 19-2005 City of Chesterfield (Various Sections of Zoning Ordinance)]

WHEREAS, the Planning Commission Ordinance Review Committee has been working on amendments to various sections of the zoning ordinance; and,

WHEREAS, the amendments include development criteria for residential tear downs and residential additions, and an amendment regarding the type of banners permitted for the museum and arts area; and,

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

WHEREAS, after consideration of an amendment, the City Council approved the request with an amendment to the time permitted for promotional banners, an amendment regarding the notification required and amendment to the height regulations for residential tear downs and additions.

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

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

Section 2. The City Council, pursuant to the petition filed by the City of Chesterfield in P.Z. 19-2005, requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on January 23, 2006, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

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

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

BY CITY COUNCIL (MGA)

Passed and approved this 6th day of SEPTEMBER, 2006

(SEE ATTACHED)
MAYOR

ATTEST:

DEPUTY Judith A. Naggin
CITY CLERK

First Reading Held: 3/6/2006

Bill No. 2431/Ordinance No. 2298 was passed/approved by City Council on Wednesday, September 6, 2006. This legislation was NOT SIGNED/VETOED by Mayor John Nations and, pursuant to RSMo 77.270, Bill No. 2431/Ordinance No. 2298 became law at the next regular City Council meeting, which took place on Monday, September 18, 2006.

A handwritten signature in cursive script, reading "Michael G. Herring". The signature is written in black ink and is positioned above a horizontal line.

Michael G. Herring
City Administrator

ATTACHMENT A

SECTION 1:

1003.141. MUSEUM AND ARTS AREA (MAA)

1. *Purpose and intent.* The purpose of this section is to promote the general welfare, heritage, cultural education, and economic benefit of the City of Chesterfield, through the appreciation, instruction, exhibition and performance of the arts.
2. In any zoning district, except "NU" Non-Urban Districts, a single parcel or geographic area may be designated as an "MAA" Museum and Arts Area. The Planning Commission may recommend and the City Council, by ordinance, may approve designation for a specific parcel or area provided the area is characterized by one or more of the following delineated on a preliminary plan:
 - A. A building (or part thereof) having public significance by reason of its architecture or former use or occupancy.
 - B. A building (or part thereof) serving as a repository for works of art, collections of natural, scientific, or literary curiosities which are arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge.
 - C. A building (or part thereof) devoted to live performances in front of a live audience.
 - D. An open air performance/educational facility.
3. *Additional permitted land uses and developments.* Designation as a museum and arts area qualifies property for additional uses beyond those permitted or conditional uses in the zoning district in which the property is located. A designated museum and arts area may contain such of the following additional uses as determined by the Planning Commission and the City Council provided that these uses shall not create an appreciable increase in land use intensity, beyond what normally occurs in the applicable zoning district, nor substantially alter or affect the character of surrounding development:
 - A. Museums: As defined by this ordinance, a museum is a building (or part thereof) within which there is the procurement, care, study, and/or display of objects of lasting interest or value.
 - B. Open air performance/educational facilities provided that:

(1.) The area is buffered on all sides by either a part of a principal structure or by a fence, wall or landscaping suitable to create a visual barrier or separation of space.

(2.) Open air facilities shall not be open for business between 12:00 midnight and 6:00 a.m. unless otherwise specified by the conditions of the governing ordinance.

C. Theaters. As defined by this ordinance, a theater is a building (or part thereof) devoted to dramatic, dance, musical or other live performances performed in front of a live audience.

4. *The following ancillary uses are permitted:*

- A. Art galleries. As defined by this ordinance, an art gallery is an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.
- B. Associated work and storage areas required by a business, firm, or service to carry on business operations of the primary use.
- C. Bookstores.
- D. Educational facilities, including, but not limited to: schools, service facilities, studios or work areas.
- E. Employee cafeterias.
- F. Offices or office buildings.
- G. Outdoor art displays. Said displays must be related to the use of the property, but must not be utilized for advertisement.
- H. Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
- I. Sale of goods to the public.

5. *Performance standards.* All uses established in a museum and arts area shall operate in accord with standards contained in Section 1003.163, "Zoning Performance Standards Regulations." These performance standards are minimum requirements and may be made more restrictive in the conditions of the ordinance governing the particular museum and arts area.

6. *Height limitations:* Unless otherwise restricted by application of regulations in Section 1003.161, "Air Navigation Space Regulations," the following shall apply:

- A. For all structures: The total height of any structure shall not exceed seventy-five (75) feet (exclusive of mechanical equipment) from floor elevation at grade, however the building height may not exceed the front setback distance. For every foot over fifty (50) feet in height, up to the maximum of seventy-five (75) feet, the building must be moved back one foot.

B. Theaters shall be allowed additional height to accommodate the Fly Space, which is the area above the stage in which scenery is stored. The amount of additional height permitted shall be determined at the time of Site Development Plan review. The Fly Space shall not be reviewed as an independent structure, but rather as an integrated element of the overall architecture of the theater.

7. *Illumination requirements.* Illumination for museum and arts areas shall meet the standards established in the City of Chesterfield City Code.

8. *Lot area and yard requirements.*

A. *Minimum lot area.* No minimum lot area shall be required for this district, except as specified in the City of Chesterfield City Code but lot dimensions shall be sufficient to meet other requirements set forth in this section or in the conditions of the ordinance governing the particular "MAA" Museum and Arts Area.

B. *Minimum yard requirements; general.* Setbacks for parking areas, internal drives, loading spaces, and structures shall be established in the conditions of the ordinance governing the particular "MAA" Museum and Arts Area.

9. *Off-street parking and loading requirements.* The minimum off-street parking and loading requirements for any use or building in a designated "MAA" Museum and Arts Area shall not be reduced below that required for the same use in any other Industrial, Commercial, or Residential zoning district as set forth in the City of Chesterfield City Code.

A. These requirements may be made more restrictive in the conditions of the ordinance governing the particular museum and arts area.

B. Where determined necessary and where the museum and arts area includes two (2) or more uses, the Planning Commission may recommend and the City Council may approve a total reduction of not more than twenty (20) percent of the required off-street parking and loading spaces, where it has been demonstrated by study of the combined uses and customary operation of the uses that adequate parking would be provided.

10. *Sign regulations.* With the exceptions noted, specific sign regulations shall be established in the conditions of the ordinance governing the museum and arts area in accord with the provisions of the City of Chesterfield City Code.

(1.) No flashing signs shall be permitted. Illumination of signage shall be as approved by the City of Chesterfield with the Site Development Plan.

(2.) Theaters signage shall be as follows:

- (a.) The gross area in square feet of all signs on a lot shall not exceed two times the lineal feet of frontage of said lot. This criterion is based on the provision that the gross surface area of all illuminated, non-flashing signs shall not exceed one times the lineal feet of frontage of the lot.
 - (b.) Marquee signage shall not project more than one foot beyond the length of the building on either side. Said signage must be affixed flat to the marquee surface or be suspended within and below the outer marquee or canopy limits. No other sign shall be extended or suspended.
 - (c.) Awning signage shall be affixed flat, contain no illumination and shall indicate only the name and/or address of the establishment. No such sign shall extend vertically or horizontally beyond the limits of said awning.
 - (d.) Horizontal and vertical projection shall be as approved by the City of Chesterfield on the preliminary plan.
- (3.) No temporary signage shall be allowed in a museum and arts area except promotional decorative banners. A promotional decorative banner is defined as a banner which displays graphics and limited text regarding a special event. Promotional decorative banners are permitted for a maximum of six (6) months. The dimensions of promotional decorative banners shall be approved by the City of Chesterfield. A sign permit application must be submitted prior to the erection of a promotional decorative banner.
11. *Procedure--Establishment of area.* In order to establish any museum and arts area through a change of zoning, or to obtain approval of a site development plan in order to utilize an established district, the procedure shall be similar to other planned districts.

SECTION 2:

SECTION 1003.126A REGULATIONS FOR NEW CONSTRUCTION IN ESTABLISHED DISTRICTS

The following requirements shall apply for new construction of single-family detached dwellings in established districts:

1. *General.*

- A. New construction shall be harmonious and compatible with the existing residential dwellings.
- B. Submittals shall include an application for municipal zoning and documentation that notification of the proposed new construction was provided to all adjacent property owners and subdivision trustees.

2. *Minimum Yard Requirements.*

- A. The minimum yard requirements shall be those established for the district in which the dwelling is located. Exceptions may be established by existing non-conforming properties by variance granted through the City of Chesterfield Board of Adjustment.

3. *Front Yard.*

- A. The front yard setback shall be as established in the governing zoning district.
- B. In non-conforming subdivisions that have no platted building line, the prevailing pattern of the front yard setback in the subdivision shall establish the front yard setback. Determination of said prevailing pattern shall be based on the ten (10) closest lots in the subdivision. If there are fewer than ten (10) lots or the subject site is not in a subdivision, the prevailing pattern of the lots on the block frontage shall be used.

4. *Side Yard and Rear Yard Setbacks.*

- A. The side and rear yard setbacks shall be as established in the governing zoning district.

5. *Height and Dimensional Regulations.*

- A. The height of any residential addition or tear down shall not exceed two (2) stories with a maximum height of thirty five (35) feet. Height is calculated from grade at front elevation to the top of the roof. If the height exceeds this requirement it shall be reviewed by the Planning Commission. However, if the entire subdivision consists of one (1) story houses, plans for the first two (2)

story house shall be reviewed by the Planning Commission, except in subdivisions whose indentures already permit two (2) story houses.

- B. Residential additions shall not exceed the maximum height of the underlying zoning district.

SECTION 3: SECTION 1003.126B RESIDENTIAL ADDITIONS

1. General.

- A. All residential additions must be reviewed and approved by the City of Chesterfield prior to the approval of any Municipal Zoning Application.
- B. The following items are required with the submittal for all residential additions:
 - (1.) Three (3) copies of Site Development Plan, drawn to scale and including the following:
 - a. All specific information required by the ordinance authorizing the development;
 - b. Location and size, including height of the residential dwelling;
 - c. Proposed driveway;
 - d. All existing and proposed easements/rights-of-way on site;
 - e. Specific structure setbacks in accordance with the structure setbacks established in the governing zoning district;
 - f. Architectural elevations and building materials addressing City of Chesterfield Design Guidelines;
 - g. Plan should be signed and sealed;
 - h. Provide documentation that notification of the proposed addition was provided to all adjacent property owners and subdivision trustees.

2. Height and Dimension Regulations.

A. Height Requirements

- (1.) The height of any residential addition or tear down shall not exceed two (2) stories with a maximum height of thirty five (35) feet. Height is calculated from grade at front elevation to the top of the roof. If the height exceeds this requirement it shall be reviewed by the Planning Commission. However, if the entire subdivision consists of one (1) story houses, plans for the first two (2) story house shall be reviewed by the Planning Commission, except in subdivisions whose indentures already permit two (2) story houses.

Planning Commission January 23, 2006
Planning Commission February 13, 2006
City Council March 6, 2006
Planning and Zoning Committee July 20, 2006
Planning and Zoning Committee August 10, 2006
City Council, August 21, 2006
City Council, September 6, 2006

- (2.) Residential additions shall not exceed the maximum height of the underlying zoning district.
- B. Any addition greater than five hundred (500) square feet shall be approved by the City of Chesterfield Planning Commission.
- C. Residential additions, including the height of all additions, shall be harmonious and compatible with the existing residential dwellings.