

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A "NU" NON URBAN DISTRICT TO A "PI" PLANNED INDUSTRIAL DISTRICT FOR A 27.4-ACRE TRACT OF LAND LOCATED SOUTH OF OLIVE STREET ROAD AND WEST OF WARDENBURG [P.Z. 42-2007 SPIRIT VALLEY BUSINESS PARK II (18730 OLIVE STREET ROAD)]**

**WHEREAS**, the petitioner, Michael Doster, Doster, Mickes, James, Ullom, Benson and Guest, on behalf of Spirit Valley Development L.L.C., has requested a change in zoning from a "NU" Non-Urban District to a "PI" Planned Industrial District for a 27.4 acre tract of land located south of Olive Street Road and west of Wardenburg; and,

**WHEREAS**, the Planning Commission having considered said request, recommended approval of the rezoning request; and,

**WHEREAS**, the City Council upon review of said request, recommended approval with amendments to the landscape and tree requirements, and opportunities for recycling.

**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 and the Official Zoning District Maps, which are part thereof, are hereby amended by establishing a "PI" Planned Industrial District for a 27.4 acre tract of land located south of Olive Street Road and west of Wardenburg and described as follows:

A tract of land in St. Louis County, Missouri, being Part of Lot 3 of the subdivision of Amelia Boisselier Estate, in U.S. Surveys 1937 and 133 Township 45 North, Range 3 East of the 5<sup>th</sup> Principal Meridian, according to plat thereof recorded in Plat Book 16, Page 27 of the St. Louis County Records, being more particularly described as follows:

BEGINNING at an iron axle set at the intersection of the West line of said Lot 3 with the South line of Olive Street Road; thence along the West line of said Lot 3, South 11 degrees 43 Minutes East, 2368.95 feet to an Iron axle; thence North 78 degrees 18 minutes East, 537.50 feet to an old stone; thence North 12 degrees 36 minutes West, 1420 feet to an old stone; thence North 11 degrees 41 minutes West, 767.15 feet to an old stone in the South line of Olive Street Road, and thence along the South line of Olive Street Road, North 82 degrees 17 minutes West, 547.42 feet to the beginning.

**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 Michael Doster, in P.Z. 42-2007, 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 8<sup>th</sup> day of October, 2007, 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 warning 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 3rd day of December, 2007.



ATTEST:

Audith A. Haggan  
CITY CLERK

Glenn Abtner  
MAYOR

Approved December 10, 2007

FIRST READING HELD: 11/19/2007

## ATTACHMENT A

All provisions of the City of Chesterfield City Code shall apply to this development except as specifically modified herein.

### I. SPECIFIC CRITERIA

#### A. PERMITTED USES

1. The uses allowed in this "PI" District shall be:
  - a. Animal hospitals, veterinary clinics.
  - b. Meat packing facilities.
  - c. Broadcasting studios for radio and television.
  - d. Broadcasting, transmitting, or relay towers, studios, and associated facilities for radio, television, and other communications.
  - e. Business, professional, and technical training schools.
  - f. Business service establishments.
  - g. Cafeterias for employees and guests only.
  - h. Churches shall be allowed on tracts of land of at least one (1) acre in size.
  - i. Financial institutions.
  - j. Filling stations, including emergency towing and repair services.
  - k. Gymnasiums, indoor swimming pools, indoor handball and racquetball courts (public or private), and indoor and unlighted outdoor tennis courts (public or private).
  - l. Storage and charter of boats on land, repair facilities for boats, and sale of fuel and other supplies for marine use.
  - m. Highway department garages.
  - n. Hotels and motels.
  - o. Laundries and dry cleaning plants, not including personal and individual drop-off and pick-up service.
  - p. Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
    - i. Adequately screened with landscaping, fencing or walls, or any combination thereof; or
    - ii. Placed underground; or
    - iii. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to

the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning.

- q. Mail order sale warehouses.
- r. Manufacturing, fabrication, assembly, processing, or packaging of any commodity except:
  - i. Facilities producing or processing explosives or flammable gases or liquids;
  - ii. Facilities for animal slaughtering or rendering;
  - iii. Sulpher plants, rubber reclamation plants, or cement plants; and
  - iv. Steel mills, foundries, or smelters.
- s. Medical and dental offices.
- t. Office or office buildings.
- u. 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.
- v. Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facilities.
- w. Police, fire, and postal stations.
- x. Printing and duplicating services.
- y. Public utility facilities.
- z. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith.
- aa. Restaurants, fast food.
- bb. Restaurants, sit down.
- cc. Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment, agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage of said vehicles.
- dd. Sales, servicing, repairing, cleaning, renting, leasing, and necessary outdoor storage of equipment and vehicles used by business, industry, and agriculture.
- ee. Service facilities, studios, or work areas, for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors. Goods and services associated with these uses may be sold or provided directly to the public on the premises.
- ff. Storage and repair garages for public mass transit

- vehicles.
- gg. Storage yards for lumber, coal, and construction materials.
- hh. Stores, shops, markets, service facilities, and automotive vending facilities in which goods or services of any kind, including sale of motor vehicles, are being offered for sale or hire to the general public on the premises.
- ii. Union halls and hiring halls.
- jj. Vehicle repair facilities.
- kk. Vehicle service centers.
- ll. Welding, sheet metal, and blacksmith shops.
- mm. Yards for storage of contractors' equipment, materials, and supplies, excluding junk yards and salvage yards.
- nn. Warehousing, storage, or wholesaling of manufactured commodities.

2. The following Ancillary Uses shall be permitted:

- a. Automatic vending facilities for:
  - i. Ice and solid carbon dioxide (dry ice);
  - ii. Beverages;
  - iii. Confections.

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

1. HEIGHT

- a. The maximum height of the buildings, exclusive of roof screening, shall not exceed forty (40) feet.

2. BUILDING REQUIREMENTS

- a. Until such time as the connection of the site to a permanent sanitary sewer system, a minimum fifty percent (50%) open space is required for this development. Upon connection to a sanitary sewer system, a minimum of thirty percent (30%) openspace will be required for this development.

**C. 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. Fifty (50) feet from the right-of-way of Olive Street Road.
- b. Fifty (50) feet from 18668 Olive Street Road.
- c. Fifty (50) feet from the eastern and western property lines of this development.
- d. Fifty (50) feet from the southern property line of this development.

2. **PARKING SETBACKS**

No parking stall or loading space will be located within the following setbacks:

- a. Thirty five (35) feet from the right-of-way Olive Street Road.
- b. Ten (10) feet from the internal property lines, with the exception of shared driveways.
- c. Twenty (20) feet from the principal internal street.
- d. Fifteen (15) feet from the eastern and western property lines of this development.
- e. The parking setback along the eastern property line contiguous to 18668 Olive Street Road for the first 175 feet from Olive Street Road shall be thirty (30) feet. The parking setback for the remainder of this property line shall be fifteen (15) feet.

3. No internal driveway or roadway, except points of ingress and egress, will be located within the following setbacks:

- a. Thirty (30) feet from the right-of-way of Olive Street Road.
- b. Three hundred fifty (350) feet from the southern property line.
- c. Twenty (20) feet from the western property line of this development, with the exception of shared driveways.

**D. PARKING AND LOADING REQUIREMENTS**

1. Parking and loading spaces for this development shall be as required in the City of Chesterfield Code.
2. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
3. Parking shall be prohibited along both sides of the main driveway. Parking lot aisles, where possible, should intersect the main and minor driveways at right angles and be logically located opposite minor driveways and other parking lot aisles. The main and minor driveways shall not have speed bumps. "Stop" signs shall not be installed for traffic on the main driveway. Minor driveways shall not intersect the main driveways closer than one hundred (100) feet from Olive Street Road.
4. The parking restriction and requirement for signage shall be indicated on the Site Development Plan and improvement plans. Signage shall be posted within thirty (30) days of the placement of street pavement.
5. No construction related parking shall be permitted within the Olive Street Road right of way.
6. No parking shall be permitted on any roadway in or adjacent to the development. The parking restriction and requirement for signage shall be indicated on the Site Development Plan and improvement plans. Signage shall be posted within 30 days of the placement of street pavement.

#### **E. LANDSCAPE AND TREE REQUIREMENTS**

1. The developer shall adhere to the Tree Manual of the City of Chesterfield Code.
2. The landscape buffer along the eastern property line shall be as follows:
  - a. A thirty (30) foot landscape buffer measuring no less than 175 feet in length from Olive Street Road will be required along the eastern property line contiguous to the residential structure at 18668 Olive Street Road.

- b. A fifteen (15) foot landscape buffer shall be required for the remainder of the eastern property line.
- c. If the residential structure at 18668 Olive Street Road is re-developed into a use other than residential, the thirty (30) foot landscape buffer requirement may be reduced to fifteen (15) feet as directed by the City of Chesterfield.
- d. Screening of exterior storage of materials and/or equipment along Olive Street Road shall be required as directed by the City of Chesterfield.

**F. SIGN REQUIREMENTS**

- 1. Sign package submittal materials shall be required for this development. All sign packages shall be reviewed and approved by the City of Chesterfield Planning Commission.
- 2. Installation of Landscaping and Ornamental Entrance Monument or Identification Signage construction shall be reviewed by the City of Chesterfield and/or the St. Louis County Department of Highways and Traffic for sight distance consideration and approved prior to installation or construction.

**G. LIGHT REQUIREMENTS**

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

**H. 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, material, 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.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the Planning Commission.

#### **I. ACCESS/ACCESS MANAGEMENT**

1. Access to this development from Olive Street Road shall be restricted to one (1) commercial entrances, having a three lane section of a minimum thirty-six (36) foot pavement for a minimum distance of one hundred (100) feet, in order to provide separate left and right turn lanes for outbound traffic along with a single inbound lane. These driveways shall be located to provide required sight distance and constructed to St. Louis County standards as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield.
2. Provide cross access easement and Temporary Slope Construction License or other appropriate legal instrument or agreement guaranteeing permanent access between this site and adjacent properties as directed by the St. Louis County Departments of Planning and Highways and Traffic.
3. If required sight distance cannot be provided at the access locations, acquisition of right-of-way, reconstruction of pavement including correction to the vertical alignment, and other off-site improvements may be required to provide adequate sight distance as directed by the St. Louis County Department of Highways and Traffic.
4. Access to Olive Street Road shall be limited to one street approach as directed by the City of Chesterfield and St. Louis County Department of Highways and Traffic.
5. Provide cross access, as directed by the City of Chesterfield, to the Horobec property adjoining this development to the east. The location of the access should allow for future connection to the internal roadway system within this development.

6. All area between the internal road right of way and the western line of the property governed by this ordinance must be covered by a cross access easement or dedicated as right of way, as directed by the City of Chesterfield. The easement and/or right of way shall cover the area located between the internal road right of way and the western property line and extend south for a distance of 1800 feet from the Olive Street Road right of way. The cross access easement and/or right of way must also be coordinated with the required 20 foot Chesterfield Valley Storm Water Easement along the western property line.

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

1. Improve Olive Street Road to one-half of a sixty (60) foot right-of-way and a thirty-eight (38) foot pavement with seven (7) foot full depth shoulders and all storm drainage facilities as directed by the Saint Louis County Department of Highways and Traffic.
2. Provide a street connection to Spirit Valley Business Park Phase I. The connection shall align with the connection approved as part of Spirit Valley Business Park Phase I.
3. Provide any additional right of way and construct any improvements to Olive Street Road as required by St. Louis County Department of Highways and Traffic.
4. All roadway and related improvements to Olive Street Road shall be constructed prior to 60% occupancy of the development.
5. Provide a 40 foot right of way with a minimum of 10 foot wide roadway improvement, maintenance, utility and sewer easements on both sides for all interior roadways. Minimum roadway sections shall provide a 26 foot travel way with 7 foot shoulders on both sides and appurtenant storm drainage facilities as required by the City of Chesterfield.
6. Provide a 5 foot wide sidewalk, conforming to ADA standards, along the Olive Street Road frontage of the site and a 4 foot sidewalk along one side of the interior roadway, as directed by the City of Chesterfield. The sidewalk shall be privately maintained; therefore, no public easements shall be required.

**K. TRAFFIC STUDY**

1. Provide a traffic study as directed by the City of Chesterfield and/or St. Louis County Department of Highways and Traffic. 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.

**L. MONARCH-CHESTERFIELD LEVEE DISTRICT**

1. Stormwater ditches shall match the latest provided by the City of Chesterfield.
2. Easements for the proposed utilities along Olive Street Road shall be shown on the site development concept and section plans.

**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 twenty-four (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**

1. The property bound by this ordinance shall be required to conform to the Chesterfield Valley Master Storm Water Plan as directed by the City of Chesterfield. Drainage from this property shall be directed to the future reservoir to be located to the west of the property governed by this ordinance. In the event that the required permanent improvements are not constructed prior to or concurrently with this development, interim storm water improvements consisting of a temporary 24-inch pipe, constructed according to current Chesterfield Valley Master Storm Water Plan flow line elevations, shall be required along the Olive Street Road frontage and for an approximate distance of 500 feet along the western property line. The temporary 24-inch culvert shall be terminated in the reservoir.

2. Provide a 20 foot wide Chesterfield Valley Storm Water Easement, as directed by the City of Chesterfield, along the west line of the property governed by the ordinance. The easement should begin at the Olive Street Road right of way line and extend south for a distance of 500 feet. The easement shall be dedicated exclusively for the purpose of constructing and maintaining drainage features associated with the Chesterfield Valley Master Storm Water Plan.
3. Provide a 50 foot wide Chesterfield Valley Storm Water Easement, as directed by the City of Chesterfield, adjacent to the existing 15 foot wide utility easement along the Olive Street Road frontage. The required easement shall be located immediately south of the existing utility easement and shall be dedicated exclusively for the purpose of constructing and maintaining drainage features associated with the Chesterfield Valley Master Storm Water Plan.

**O. SANITARY SEWER**

1. Certification will be required from the City of Chesterfield that stormwater will be controlled as required by the Chesterfield Valley Master Facility Plan.
2. Treatment for water quality, in accordance with MSD regulations dated February 2006, shall be required.
3. This project is in the Caulks Creek Surcharge area and is subject to a surcharge of \$2,750 per acre.
4. Easements may be required. Encroachments will not be allowed.
5. Construction of offsite pumping stations and extension of offsite sanitary sewers will be required to serve this site.
6. Formal plan submittal and approval will be required by the District prior to the issuance of permits. Formal plan approval is subject to the requirements of detailed review.

**P. GEOTECHNICAL REPORT.**

1. Prior to Site Development Plan approval, 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.

**Q. 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. The developer is advised that utility companies will require compensation for relocation of their facilities within public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's Traffic Generation Assessment contributions. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.
3. An opportunity for recycling will be provided. All provisions of Chapter 25, Article VII, and Section 25-122 thru Section 25-126 of the City of Chesterfield, Missouri Code, with the exception of the land use designation, shall be required where applicable.

**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 change of zoning.
- 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 change of zoning by the City.
- C. Failure to comply with these submittal requirements will result in the expiration of the change of zoning 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 (2) years of approval of the site development concept plan or site development plan, unless otherwise authorized by ordinance.
- B. Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one (1) additional year.

### **IV. GENERAL CRITERIA**

#### **A. Site Development Concept Plan, Site Development Section Plan, Site Development Plans.**

1. Any site development plan shall show all information required on a sketch plan as required in the City of Chesterfield Code.
2. Include a conceptual landscape plan in accordance with the City of Chesterfield Code to indicate proposed landscaping along arterial and collector roadways.
3. Include a lighting plan in accordance with the City of Chesterfield Code to indicate proposed lighting along arterial collector roadways.
4. Provide comments/approvals from the appropriate Fire District, St. Louis County Department of Highways and Traffic, Monarch Chesterfield Levee District, Spirit of St. Louis Airport and St. Louis County Department of Highways and Traffic.

### **V. TRUST FUND CONTRIBUTION**

The developer shall be required to contribute to the Chesterfield Valley Trust Fund. Traffic Generation Assessment contributions shall be deposited with St. Louis County prior to the issuance of building permits. If development phasing is anticipated, the developer shall provide the Traffic Generation Assessment contribution prior to issuance of building permits for each phase of development.

Roads

The roadway improvement contribution is based on land and building use. The roadway contributions are necessary to help defray the cost of engineering, right-of-way acquisition, and major roadway construction in accordance with the Chesterfield Valley Road Improvement Plan on file with the St. Louis County Department of Highways and Traffic. The amount of the developer's contribution to this fund shall be computed based on the following:

<b>Type of Development</b>	<b>Required Contribution</b>
Commercial	\$2.07/sq. ft. of building space
Office	\$1.44/sq. ft. of building space
Industrial	\$4,986.59/acre

If types of development proposed differ from those listed, rates shall be provided by the City of Chesterfield and/or the St. Louis County Department of Highways and Traffic.

Credits for roadway improvements required will be awarded as directed by the St. Louis County Highways and Traffic. Any portion of the roadway improvement contribution that remains, following completion of road improvements required by the development, shall be retained in the appropriate Trust Fund.

The roadway improvement contribution shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made before the issuance of a Special Use Permit (S.U.P.) by St. Louis County Highways and Traffic or a Building Permit by St. Louis County Public Works Department. Funds shall be payable to "Treasurer, St. Louis County".

Water Main

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$654.66 per acre for the total area, as approved on the Site Development Plan, to be used solely to help defray the cost of constructing the primary water line serving the Chesterfield Valley area.

The primary water line contribution shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made before approval of the Site Development Plan by the St. Louis Department of Highways and Traffic. Funds shall be payable to "Treasurer, St. Louis County".

The stormwater contribution is based on gross acreage of the development land area. These funds are necessary to help defray the cost of engineering and construction improvements for the collection and disposal of stormwater from the Chesterfield Valley in accordance with the Master Plan on file with and jointly approved by St. Louis County and the Metropolitan St. Louis Sewer District. The amount of the stormwater contribution will be computed based on \$2,077.15 per acre for the total area as approved on the Site Development Plan. The stormwater contributions to the Trust Fund shall be deposited with the St. Louis County Department of Highways and Traffic. The deposit shall be made before the issuance of a Special Use Permit (S.U.P.) by St. Louis County Highways and Traffic or a Building Permit by St. Louis County Public Works Department. Funds shall be payable to "Treasurer, St. Louis County".

#### Sanitary Sewer

The sanitary sewer contribution is collected as the Caulks Creek Impact Fee.

The sanitary sewer contribution within Chesterfield Valley area shall be deposited with the Metropolitan St. Louis Sewer District as required by the District.

The amount of these required contributions for the roadway, stormwater and primary water line improvements, if not submitted by January 1, 2008, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accordance with the construction cost index as determined by the St. Louis County Department of Highways and Traffic.

Trust Fund contributions shall be deposited with St. Louis County in the form of a cash escrow prior to the issuance of building permits.

#### **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. 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.

#### **IX. 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.