CITY OF CHESTERFIELD
PLANNING AND ZONING COMMITTEE MEETING
THURSDAY, FEBRUARY 22, 2007
CONFERENCE ROOM 101
5:30 P.M.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the February 8, 2007 Planning and Zoning Committee Meeting Summary

II. OLD BUSINESS

A. **P.Z. 5-2005 Winter Wheat Place (Dollar Building Company):** A request for a change of zoning from "NU" Non-Urban District to E-One Acre for a 4.0 acre tract of land located on Winter Wheat Road, 3000 feet southeast of the intersection of Wild Horse Creek Road and Long Road. (18U220092)

***Protest Petition Filed**. No action will be taken at this meeting, other than to set the date for a Public Hearing.*

III. NEW BUSINESS

A. Discussion of the Following Ordinances:
1. **City of Chesterfield Tree Manual**
2. **City of Chesterfield Zoning Ordinance Section 1003.107 (Estate District)**

IV. PENDING PROJECTS/DEPARTMENTAL UPDATE

V. ADJOURNMENT

Note: The Planning and Zoning Committee will consider and act upon the matters listed above, and such other matters as may be presented at the meeting and determined to be appropriate for discussion at that time.

Notice is hereby given that the Planning and Zoning Committee may also hold a closed meeting for the purpose of dealing with matters relating to one or more of the following: legal actions, causes of action, litigation or privileged communications between the City's representatives and its attorneys (RSMo 610.021(1) 1994; lease, purchase or sale of real estate (RSMo 610.021(2) 1994; hiring, firing, disciplining or promoting employees with employee groups (RSMo 610.021(3) 1994; bidding specification (RSMo 610.021(11) 1994; and/or proprietary technological materials (RSMo 610.021(15) 1994

I. A.

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Acting Director of Planning

DATE: February 12, 2007

SUBJECT: Planning & Zoning Committee Meeting Summary
February 8, 2007

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held on Thursday, February 8, 2007 in Conference Room 101.

In attendance were: **Chair Mary Brown** (Ward IV)**; Councilmember Barry Flachsbart,** (Ward I); **Councilmember Barry Streeter** (Ward II); and **Councilmember Dan Hurt** (Ward III).

Also in attendance were Councilmember Jane Durrell, Ward I; Victoria Sherman, Planning Commission Vice-Chair; Gene Schenberg, Planning Commissioner; Mike Herring, City Administrator; Annissa McCaskill-Clay, Assistant Director of Planning; Jennifer Yackley, Project Planner; and Mary Ann Madden, Planning Assistant.

Chair Brown called the meeting to order at 5:30 p.m.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the January 18, 2007 Planning and Zoning Committee Meeting Summary

Councilmember Streeter made a motion to approve the Meeting Summary of January 18, 2006. The motion was seconded by Councilmember Flachsbart and **passed by a voice vote of 4 to 0.**

II. OLD BUSINESS - None

III. NEW BUSINESS

A. P.Z. 5-2005 Winter Wheat Place (Dollar Building Company): A request for a change of zoning from "NU" Non-Urban District to E-One Acre for a 4.0 acre tract of land located on Winter Wheat

DRAFT

Road, 3000 feet southeast of the intersection of Wild Horse Creek Road and Long Road. (18U220092)

Chair Brown announced that a Protest Petition has been filed against the proposed Winter Wheat development. Staff has determined that the Protest Petition is valid.

Because of the Protest Petition, P.Z. 5-2005 Winter Wheat Place (Dollar Building Company) was not discussed.

B. P.Z. 11-2006 Blacks Ridge Office Building (Brinkmann Construction): A request for an amendment to City of Chesterfield Ordinance 1557 to allow for Medical Office as a proposed use for a 4.26 acre "PC" Planned Commercial District located on the north side of Swingley Ridge Road at 16253 Swingley Ridge Road.

Staff Report

Ms. Jennifer Yackley, Project Planner, reported that the amendment request is to allow medical use. The Public Hearing for this petition was held June 12, 2006; the Planning Commission approved P.Z. 11-2006 by a vote of 8 to 0.

It was noted that the Petitioner will have to meet the parking requirements for a medical use. They currently have excess parking for the office use and would only include medical use up to the amount of parking that is required – there is no intention of increasing the amount of parking on the site.

Councilmember Flachsbart made a motion to forward P.Z. 11-2006 Blacks Ridge Office Building (Brinkmann Construction) to City Council with a recommendation to approve. The motion was seconded by Councilmember Streeter and **passed by a voice vote of 4 to 0**.

Note: One bill, as recommended by the Planning Commission, will be needed for the February 21, 2007 City Council Meeting. See Bill #

[Please see the attached report, prepared by Mike Geisel, Acting Director of Planning, for additional information on P.Z. 11-2006 Blacks Ridge Office Building (Brinkmann Construction)]

C. P.Z. 17-2006 13506 Olive (Spirit Energy): A request for a change of zoning from a "C2" Commercial District to a "PC" Planned Commercial District for a .31 acre tract of land located at 13506 Olive Blvd. at the southwest corner of Olive Blvd. and Woods Mill Road.

Staff Report

DRAFT

Ms. Jennifer Yackley, Project Planner, stated that the Public Hearing for this petition was held on August 14, 2006. The Planning Commission approved a decrease in the required open space from 40% to 17% by a vote of 7 to 0. It was noted that the site currently has no open space. Planning Commission allowed the decrease in the open space requirement from 40% to 17% due to the small size of the lot (.31 acre) and the open space requirements of neighboring sites. Some of the nearby sites do not have any open space requirements and the Planned Commercial District of Dairy Queen has a similar open space percentage of 13%.

Planning Commission's motion to approve the rezoning failed by a vote of 2 to 5.

Outstanding Issues:

- Parking Requirements: As proposed, the site could not park a restaurant usage, which would require 19 spaces – the site currently shows 9 parking spaces. The site does meet parking requirements for retail usage, which requires 8 spaces.
- Access Management: The current driveway throat along Woodsmill Road is 22 feet, which does not meet the Access Management Ordinance. Woodsmill Road is currently defined as an arterial road, which requires an 80-foot driveway throat. The Department of Public Works has agreed to a reduction in the driveway throat to 45 feet recognizing that, in the future, Woodsmill Road will be designated a collector road, which requires a 45-foot driveway throat.

DISCUSSION

Existing Zoning

The existing zoning of "C2" has a Conditional Use Permit, which allows only a filling station on the site.

Requested "PC" Zoning

Staff finds "PC" zoning appropriate for this site.

Permitted Uses

Councilmember Hurt made a motion to amend Section I.B. regarding "Permitted Uses" as follows: (Changes in green)

c. Stores, shops, markets, service facilities and ~~automatic vending facilities~~ in which goods or services of any kind are offered for sale or hire to the general public on the premises.

2. The following Ancillary Uses shall be permitted:

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

DRAFT

Planning Commission Report

Victoria Sherman, Vice-Chair of the Planning Commission, stated that the Planning Commission approved a deduction in the open space requirement based on the open space of neighboring sites and the fact that the site currently has 0% open space.

Planning Commission was aware of the fact that the site does not meet parking requirements for a restaurant use but would have to comply, if approved.

The biggest concern for the Planning Commission was the issue of access/safety especially during the morning rush-hour. Concern was also expressed about traffic back-ups and motorists trying to exit the site. Commissioner Banks felt the major problem with the site is the request for restaurant use – he felt that the use of stores and shops would not create the access issues raised by a restaurant use.

Gene Schenberg, Planning Commissioner, indicated he voted in favor of the petition feeling that the traffic issues only pertained to the morning rush-hour Monday-Friday. He also felt that once 141 is moved, the traffic concerns would no longer be an issue. He further pointed out that the vote was for rezoning the site – not approval of this particular plan. He felt the rezoning would allow the Petitioner the opportunity of developing the site within the constraints of its size. As a member of Ward I, he wanted to give someone the opportunity to improve the site, which is currently a graveled lot.

Traffic Issues

Councilmember Flachsbart felt that the traffic concerns for this site do not pertain to just the morning rush-hour – it is his feeling that the traffic issues run throughout the day, especially in the afternoon. He noted that the intersection of Olive and 141 is one of the City's high-accident intersections.

Councilmember Durrell felt that it is not a problem making a right-hand turn into Dierberg's from 141 or that such turns affect traffic back-ups.

Cross Access

It was noted that the Petitioner has not been able to gain cross access from the surrounding landowners - Dierberg's and Capitol Land. If cross access were possible, the Petitioner is open to finding alternative ways of making the site work for everyone's safety.

Councilmember Hurt made a motion to amend Section I.K. of the Attachment A pertaining to "Access/Access Management" as follows: (Changes in green)

1. Access to Olive Boulevard shall be limited to one (1) entrance close to the west property line. The location and geometry of the access shall be as directed by the City of Chesterfield and the Missouri

DRAFT

Department of Transportation. The west edge of the entrance shall be at least ten (10) feet east of the west terminus of the median on Olive Boulevard. It shall be the developer's responsibility to extend the median if necessary and if approved by the Missouri Department of Transportation. Should alternate access and adequate circulation be made available to the site prior to approval of the Site Development Plan, no direct access to Olive Boulevard shall be permitted. Should alternate access be made available after development of the site, the access to Olive Boulevard shall be removed at such time as a significant change is made to the building or the site layout as directed by the City of Chesterfield and/or the Missouri Department of Transportation.

2. Access to State Route 141 (Woodsmill Road) shall be limited to one (1) entrance close to the south property line. Should alternate access and adequate circulation be made available to the site prior to approval of the Site Development Plan, no direct access to State Route 141 (Woodsmill Road) shall be permitted. Should alternate access be made available after ~~initial~~ development of the site, the access to State Route 141 (Woodsmill Road) shall be removed at such time as a significant change is made to the building or the site layout as directed by the City of Chesterfield and/or the Missouri Department of Transportation. The location and geometry of the access, if permitted, shall be as directed by the Department of Public Works and the Missouri Department of Transportation.

The motion to amend Section I.K. of the Attachment A pertaining to "Access/Access Management" was seconded by Councilmember Flachsbart and **passed by a voice vote of 4 to 0.**

Driveway Throat

Mr. Larry Wurm, Planning Consultant with James Engineering and representing the Petitioner, stated that, because of the small size of the site, a 30-foot wide opening is the best that can be provided, which he feels is more than adequate. He noted that they have already sacrificed one of the curb cuts on Olive Street Road.

Mr. Lee Cannon, Traffic Engineer with Crawford, Bunte, Brammeier, stated that his firm prepared the Traffic Study for the subject site. He noted that all three of the entrances are currently restricted to right-in/right-out only based on the medians on the State highways. Because the site is only 95 feet x 141 feet, he pointed out that a 45-foot entrance would dramatically cut into the site.

Mr. Cannon stated that one of the reasons traffic engineers want throat length is to bring vehicles into the site before a choice must be made as to whether to turn left or right. The subject site is currently set up as a one-way counter-clockwise flow with both a drive-thru lane and bypass lane on the south side of the building. As the traffic flows into the site, it immediately flows to the right – so there are no

DRAFT

decisions to be made about turning since there is no choice to turn left. Parking spaces are angled so that as a vehicle pulls out, it is oriented towards the counter-clockwise flow.

Parking

Ms. Yackley pointed out that when plans are submitted at the Site Plan stage, a specific use will need to be designated and parking calculations are based on the specific use. If the use comes in as retail, the site, as currently being presented, would have enough parking. Parking for retail on this site would require 8 spaces and the site currently shows 9 spaces.

If the use comes in as a restaurant, 19 spaces would be required on the site. The current site plan would not be acceptable for a restaurant use as it only has 9 spaces.

Mr. Walter Lamkin, Counsel for the developer, asked how "restaurant" is defined by the City. Ms. McCaskill-Clay replied that the City uses the *Planner's Dictionary*, published by the American Planning Association, for its definitions. A Starbucks restaurant would be defined as "fast-food restaurant" because it utilizes disposable materials when serving food.

Mr. Lamkin asked for information on withdrawal procedures. He was informed that he could request that the petition be withdrawn without prejudice. This request would have to be addressed to the City Council. City Council would vote on whether to (1) grant the withdrawal with prejudice; (2) grant the withdrawal without prejudice; or (3) vote on the petition. If the petition is dismissed with prejudice, the Petitioner would have to wait one year before presenting again for the same site. If dismissed without prejudice, there is no time restriction as to when a new presentation could be made.

The Committee members felt that if a request was made for withdrawal, it would be granted without prejudice.

Councilmember Flachsbart made a motion to table P.Z. 17-2006 13506 Olive (Spirit Energy) until the next meeting of the Planning & Zoning Committee unless the City Council takes action relative to the petition before that time. The motion was seconded by Councilmember Hurt.

The Petitioner was asked whether he wanted the Committee to vote on the petition or to table it. The Petitioner asked that the Committee table the petition. It was noted that the next City Council meeting is scheduled for February 21, 2007 and the next Planning & Zoning Committee meeting is scheduled for February 22, 2007.

The motion to table the petition **passed by a voice vote of 4 to 0**.

D. Violation Letters

DRAFT

Discussion was held on the wording of violation letters being sent to residents. Councilmember Durrell felt that, in some cases, the language is too strong.

After discussion, it was agreed that the first letter being used by the City notifying residents of a possible violation is appropriate with one change.

Councilmember Flachsbart made a motion to change the wording in the first letter from "five days" to "five business days". The motion was seconded by Councilmember Streeter and **passed by a voice vote of 4 to 0.**

DRAFT

Discussion was held on the following wording used in the violation notice:

> Failure to abate this violation within 30 days of receipt of this letter will result in this matter being forwarded to the Prosecuting Attorney.

Councilmember Durrell felt that letters to the residents should be worded with more sensitivity and dealt with on a case-by-case basis.

Ms. McCaskill-Clay asked for clarification as to when the Committee feels it is appropriate to advise a resident that a case will be taken to Municipal Court if the violation is not abated.

It was agreed that if the resident has contacted the City and is attempting to address the issue, a second letter should be sent noting that the property is still in violation and asking the resident to notify the City, within 10 business days, as to what action is being taken. After that point, an official violation notice should be sent if necessary.

Planning Commissioner Schenberg suggested using language in the violation notices such as "*If this is not done within 30 days, we will have no other choice but to forward the matter to the Prosecuting Attorney.*"

He further suggested that in the first and second letters language be used to state *"In the spirit of cooperation and community, we hope you will address this issue."*

IV. PENDING PROJECTS/DEPARTMENTAL UPDATE

V. ADJOURNMENT

The meeting adjourned at 6:40 p.m.

DRAFT

City of Chesterfield

II.A.

690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

February 16, 2007

Planning and Zoning Committee
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, Missouri 63017

Re: P.Z. 5-2005 Winter Wheat Place (Dollar Building Company Protest Petition)

Dear Committee Members:

On February 5, 2007, a protest petition was filed with the City Clerk regarding the above-referenced project. Section 1003.193 of the City of Chesterfield Zoning Ordinance requires that protests must be filed within eighteen (18) days after the Planning Commission decision and must include owners of thirty percent (30%) of the property within one hundred eighty-five (185) feet of the property in question. Both of these criteria have been met.

At its February 21, 2007 meeting the City Council is expected to refer this matter to the Planning and Zoning Committee to set the date of the protest hearing per Section 1003.193. Staff respectfully requests the Committee set the date of the hearing for its regularly scheduled meeting on March 8, 2007.

Respectfully Submitted,

Annissa McCaskill-Clay

Annissa G. McCaskill-Clay, AICP
Assistant Director of Planning

City of Chesterfield

690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

III. A.

February 15, 2007

Planning and Zoning Committee
City of Chesterfield
690 Chesterfield Pkwy W
Chesterfield, MO 63017

RE: **City of Chesterfield Tree Manual Ordinance 2335**

Dear Planning and Zoning Committee:

On February 5, 2007 the City Council passed Ordinance 2335 for a new Tree Manual. It has been brought to Staff's attention that the required submittal process for landscape bonds (page 20) as well as sureties and cash escrows (page 20) are not practical for developers. Ordinance 2335 requires developers to submit landscape bonds, sureties and/or cash escrows to the City before Staff will sign any mylar to be recorded at St. Louis County. This process is problematic for developers because they often need to have a recorded plan filed at St. Louis County before they can secure the necessary monies for bonds, sureties and/or cash escrows.

Therefore, Staff recommends that the timeframe for submitting landscape bonds, sureties and cash escrows be amended to the following:

Amendment 1: Page 20

F. LANDSCAPE BONDS.

Prior to the ~~signing of any mylar for recording at St. Louis County~~ signing of any mylar for a record plat or approval of any Municipal Zoning Authorization other than for a display house, a landscape bond shall be posted. The requirements for landscape installation and landscape maintenance bonds in the City of Chesterfield are set forth in Table 5.

Amendment 2: Page 20

XIV. SURETY AND ESCROW PROCEDURES.

1. ~~Prior to the signing of any mylar to be recorded at St. Louis County~~, Prior to the issuance of any grading permit or improvement plan approval, a surety or cash escrow shall be posted to account for trees that die, or are damaged beyond repair, as a result of grading or construction damage. The surety or cash escrow will remain for:

   a. Two (2) year period after the issuance of occupancy permits for individual developments not within a subdivision or.

   b. Two (2) years after the issuance of the last occupancy permit in developments of two structures or more.

Changing the timeframe from the signing of any mylar to the issuance of any grading permit or the approval of improvement plans will allow developers to secure the necessary monies while at the same time ensuring that the required landscape bonds, sureties and/or cash escrows are in place before construction begins.

A copy of the new Tree Manual is attached.

Respectfully submitted,

Jennifer L. Yackley
Project Planner

Respectfully submitted,

Aimee E. Nassif
Senior Planner of
Zoning Administration

Cc: Rob Heggie, City Attorney
Michael G. Herring, City Administrator
Michael Geisel, Acting Director of Planning

Attachment

BILL NO. 2514 ORDINANCE NO. 2335

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE 2235 AND REPLACING IT WITH A NEW TREE MANUAL ORDINANCE THAT REVISES THE PROCEDURES AND REQUIREMENTS FOR REVIEWING AND APPROVING LANDSCAPE PLANS, TREE STAND DELINEATIONS, AND TREE PRESERVATION PLANS. (P.Z. 4-2006 CITY OF CHESTERFIELD/TREE MANUAL)

WHEREAS, The City of Chesterfield seeks to revise the process for review of landscape plans, tree stand delineations, and tree preservation plans as described in Ordinance 2235; and,

WHEREAS, The City of Chesterfield seeks to update the Recommended Tree List; and,

WHEREAS, the Planning Commission voted to recommend said amendments by a vote of 8-0; and,

WHEREAS, the Planning and Zoning Committee, having considered said request, voted to recommend approval by a vote of 3-0; and,

WHEREAS, the City Council recommended approval.

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. 4-2006, 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 December 11, 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.

Passed and approved this 5th day of February, 2007

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD: 1-17-07

City of Chesterfield

DEPARTMENT OF PLANNING

TREE MANUAL

690 CHESTERFIELD PKWY W • CHESTERFIELD, MO 63017-0760
PHONE: 636-537-4000 • FAX: 636-537-4798 • WWW.CHESTERFIELD.MO.US

TABLE OF CONTENTS

I. INTRODUCTION.....3

II. APPLICABILITY.....3

III. DEFINITIONS.....3

IV. OVERVIEW OF SUBMITTAL PROCESS.....7

V. PROTECTION OF PUBLIC OR PRIVATE TREES.....8

VI. TREE STAND DELINEATION (TSD).....8

VII. TREE PRESERVATION PLAN (TPP).....9

VIII. CONSTRUCTION STANDARDS FOR FIELD PRACTICE.....10

IX. PRESERVATION REQUIRMENTS ON CONSTRUCTION SITE.....11

X. SPECIAL CONDITIONS.....12

XI. MITIGATION PLAN.....13

XII. PLANT SELECTIONS.....14

XIII. LANDSCAPE PROPOSALS.....14

XIV. SURETY AND ESCROW PROCEDURES.....20

XV. TREE PRESERVATION ACCOUNT.....21

XVI. APPEAL.....21

XVII. ADMINISTRATION AND ENFORCEMENT.....21

XVIII. PENALTY FOR VIOLATION.....22

APPENDIX A CITY OF CHESTERFIELD RECOMMENDED TREE LIST

APPENDIX B SAMPLE TREE STAND DELINEATION MAP

I. INTRODUCTION.

The purpose of this section is to provide a detailed guide for the preservation and planting of trees within the City of Chesterfield. Tree preservation and planting in the City of Chesterfield represents an ongoing effort to maintain the character and benefits derived from trees. Whether trees exist as a natural occurrence of native tree species or as planted trees around older developments, their protection can only be assured when developers utilize tree protection measures. By selecting the trees that will be preserved before the final stages of planned development, tree protection design standards can be created and included prior to the early stages of development of the site. Planting of new trees should be used to supplement a site's landscaping, not replace it.

II. APPLICABILITY.

A. The terms and provisions of the City of Chesterfield Tree Manual shall apply to all vacant or undeveloped land and all property to be redeveloped including additions and alterations.

B. The Tree Stand Delineation and Tree Preservation provisions of the City of Chesterfield Tree Manual shall apply to all-vacant or undeveloped land and all property to be redeveloped including additions and alterations with 5,000 or more square feet of wooded area or any site that meets the definition of a monarch tree.

C. Single Residential Lots of less than one (1) acre that have been subdivided for more than two (2) years are exempt from the provisions of this Tree Manual.

III. DEFINITIONS.

The following list of definitions has been developed to clarify the usage of specific terminology.

1. **Afforestation.** The conversion of open land into forest through tree planting.

2. **Buffer Strip.** A strip of land with natural or planted vegetation located between a structure and a side or rear property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

3. **Caliper.** A measurement of a trunk of a tree equal to the diameter of its trunk measurement at six (6) inches above natural grade, primarily used for measurement of new trees for planting.

4. **Canopy Tree.** Canopy trees shall be deciduous trees that have a minimum height of thirty (30) feet at maturity.

5. **City's Tree Specialist.** A Tree Specialist retained by the City to review tree protection and preservation issues at the City's request.

6. **Critical Root Zone (CRZ).** The critical root zone is defined by a circle around the tree with one (1) foot of radius for each one (1) inch of trunk diameter at D.B.H.

7. **Diameter at Breast Height. (DBH)** The size of the trunk of a tree, in inches of diameter, measured at "breast height" four-and-one-half (4.5) feet above the original soil or natural grade. If a tree forks or separates into two or more trunks below 4.5 feet, then the trunk is measured at its narrowest point below the fork.

8. **Disturb.** Shall include the intentional, unintentional or negligent removal, destruction, or killing of any tree, or causing the loss of the tree canopy coverage or critical root zone of individual trees or group of trees.

9. **Do Not Disturb Zone.** An area within which all existing vegetation shall be preserved for the purpose of retaining the natural character of the area and providing screening from adjacent uses on public or private street. Protective fencing is provided along the edge of this area.

10. **Drip line.** The location on the ground which is just below the outer reach of the tree branches where rainwater will drip from the branches.

11. **Grading.** Clearing, excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

12. **Greenspace.** Greenspace is determined by a fraction: the numerator of which is all green area plus all non-paved surfaces, the denominator of which is the total area of the site minus the area of the pedestrian access ways as approved by the City of Chesterfield.

13. **Grove.** A group of trees similar in species or size and significant enough to be given special attention. See also Monarch Tree Stands.

14. **Limit of Disturbance.** A line that identifies the location on the ground where fencing will be installed to protect the trees from clearing, grading, soil filling, storage of materials, parking of vehicles, utility installation or other construction activity of any kind.

15. **Monarch Tree.** A tree in fair or better condition, with a life expectancy of more than fifteen (15) years, which is to be given special attention during development, and equals or exceeds the following diameter sizes:

    1) For Hardwoods (oak, hickory, maple, ash, etc.) - 24" DBH

2) Softwoods (pine, spruce, fir, including bald cypress, etc)-20" DBH

A lesser-sized tree can be considered a Monarch Tree if:

1) It is a rare or unusual species, or
2) It is of exceptional quality, or
3) It has historical significance, or
4) It will be specifically used by the developer as a focal point in a project or landscape

16. **Monarch Tree Stand.** A contiguous grouping of at least eight trees which has been determined to be of high value or comprised of Monarch Trees. Determination is based on the following criteria:
    1) A relatively mature even aged stand of trees, or
    2) A stand of trees with a purity of species composition, or
    3) A stand of trees which are rare or unusual in nature, or
    4) A stand of trees with historical significance, or
    5) A stand of trees with exceptional aesthetic quality or size that is a principle feature of a site.

17. **Ornamental Tree.** A small highly visual tree species that can attain a mature height of 20-35 feet.

18. **Openspace**: areas consisting of pervious surfaces that can absorb water. They may include all water ponds, grassy, treed, landscaped, floral, sod, and other pervious surfaces.

19. **Public Tree.** Any tree located on city owned or controlled property including parks, street right-of-ways, parkways, public facilities, etc.

20. **Sight Distance Triangle.** The triangular area of a corner lot bound by the property lines and a line connecting the two (2) points on the property lines thirty (30) feet from the point of intersection of the projected property lines.

21. **Street Tree.** Any tree that is currently located or proposed for planting as part of the row of trees required along streets and highways.

22. **Tree Canopy.** The upper portion of a tree or trees made up of branches and leaves.

23. **Tree Canopy Coverage.** The area in square feet of a tree's spread. Existing tree canopy is determined by measuring the ground's surface area that is covered by the branch spread of a single tree or clump or grove of trees. When trees are relatively close together, but the branches are not touching, the general area covered by this group can be used to determine the area of tree canopy coverage.

24. **Tree Specialist.** A person who meets one of the following criteria:
    1) Arborist – a person who is a full-time owner or employee of a commercial tree service with at least five (5) years of field experience.
    2) Certified Arborist – a person certified through the International Society of Arboriculture.
    3) Forester –a person with a degree in forestry and at least five (5) years of field experience.
    4) Certified Forester– a person certified through the Society of American Foresters.

If a person reviewing a submittal does not meet the five (5) years experience criteria, then a certified supervisor, with at least five (5) years experience, shall sign off on the work completed by his/her employee.

25. **Tree Topping.** Drastic removal or cutting back of large branches in mature trees, leaving large open wounds which subject the tree to disease and decay, and encourage weak, superficial, and hazardous growth

26. **Ultimate Tree Canopy.** Ultimate tree canopy is determined by assigning the following area values for planted trees, and the tree sizes may be used in combination to attain the necessary density for tree planting.
    Large tree - 400 sq. ft.
    Medium tree - 300 sq. ft.
    Small tree - 200 sq. ft.

27. **Understory Tree.** Understory trees shall be deciduous trees that have a maximum height of less than thirty (30) feet at maturity.

28. **Wooded Area.** Any parcel of land having more than 5,000 sq. ft. of tree canopy coverage and where the tree canopy is primarily comprised of trees equal to or larger than five (5) inches in DBH. The 5,000 sq. ft. may be in a single grouping or comprised of several single trees or groupings of scattered trees in old yards or old fields, as well as land with thick tree cover or forested lands. The 5,000 sq. ft. need not be contiguous.

IV. OVERVIEW OF SUBMITTAL PROCESS.

City of Chesterfield Development Phase	Plan Submittal*	Entity Review	Decision Making Authority
Rezoning	Tree Stand Delineation	Staff Review, City's Tree Specialist to review site at the request of the Department of Planning.	Planning Commission to approve plans and make recommendations for trees to be preserved
Preliminary Plan/ Site Development Concept Plan	Tree Stand Delineation, Tree Preservation Plan, Conceptual Landscape Plan	Staff Review	Planning Commission
Site Development Plan	Tree Stand Delineation, Tree Preservation Plan, Landscape Plan	Staff Review	Planning Commission
Site Development Section Plan	Tree Stand Delineation, Tree Preservation Plan, Landscape Plan	Staff Review	Planning Commission
Subdivision Plan	Tree Stand Delineation, Tree Preservation Plan, Landscape Plan	Staff Review	Planning Commission
Municipal Zoning Approval^	Tree Stand Delineation, Tree Preservation Plan	Staff Review	City Staff
Grading Permit	Approved Tree Preservation Plan with no modifications from approved TPP plan	Staff Review, City's Tree Specialist to review Tree Protection measures prior to approval of permit	City Staff - If no modifications from approved TPP
Grading Permit	Approved Tree Preservation Plan with modifications from approved TPP plan	Staff Review, City's Tree Specialist to review Tree Protection measures prior to approval of permit	City Staff- if modifications less than 10% reduction in preserved canopy
Grading Permit	Tree Preservation Plan with modifications from approved TPP plan	Staff Review, City's Tree Specialist to review Tree Protection measures prior to approval of permit	Planning Commission Review- if modifications more than 10% reduction in preserved canopy; or if new reduction total is greater than 70% removal of existing canopy; or when removing a monarch tree previously shown as preserved.
Bond Release	No plan submittal required	City's Tree Specialist to review trees approved to be preserved are saved	City Staff Review

* The Tree Stand Delineation and Tree Preservation provisions of the City of Chesterfield Tree Manual shall apply to all vacant or undeveloped land and all property to be redeveloped including additions and alterations with 5,000 or more square feet of wooded area or any site that contains a monarch tree.

^ Single residential lots of less than 1 acre that have been subdivided for more than two years are <u>not</u> required to submit any of these items

V. PROTECTION OF PUBLIC OR PRIVATE TREES.

A. It is unlawful for any person to attach any sign, advertisement, notice, fence or any other man made object to any tree in the public right of way, park, or any other City property. Exception: temporary devices used for normal installation or maintenance of planted trees or as permitted by the City of Chesterfield.

B. It is unlawful for any person to damage, cut down, destroy, top or injure any tree, shrub or plant. This provision shall not apply to any ordinary care and maintenance or removal of hazardous trees or tree parts by a governmental entity or its designee authorized to exercise jurisdiction over the right of way, park, or other infrastructure public property or to provide regular road maintenance.

C. The Director of Planning has the authority to order the removal of trees or shrubs on private property which endanger life, health, safety, or property of the public. The Director of Public Works has the authority to order the removal and disposal of trees or shrubs within the City of Chesterfield right-of-way or other public property.

1. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice.

2. Disposal of trees with communicable diseases shall be performed in a manner which prevents the spread of disease.

3. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the costs of removal as well as any costs for fees to record or release any lien as a special assessment represented by a special tax bill against the real property affected, and shall be filed by the City Clerk and deemed a personal debt against the property owner and shall remain a lien on the property until paid.

D. The Director of Public Works may authorize the removal of street trees for public or private construction projects on a case by case basis.

VI. TREE STAND DELINEATION (TSD).

A. TREE STAND DELINEATION (TSD) CRITERIA.

The purpose of a TSD is to provide a general accounting of existing vegetation so that a conceptual design of the proposed development can be done. TSD shall include the following:

1. Detailed description and location of individual trees and groups of trees including specific size and estimate number within a natural area.
2. Identification of existing roads, building footprints, parking lots, stormwater structures and utilities.

3. Signed by a tree specialist.
4. For trees larger than 5" DBH, either BAF-10 study or ocular estimate method may be utilized.
5. As directed by the City of Chesterfield, submit a site plan with a tree stand delineation overlay. An overlay is defined as a transparent sheet containing the proposed TSD linework which will be superimposed over the proposed site plan.
6. The City's Tree Specialist may be asked to verify the tree information, including tree locations in the field, shown on the TSD at the request of Planning Commission or the Department of Planning.

VII. TREE PRESERVATION PLAN (TPP).

A TPP is a plan based upon information provided by a tree specialist that delineates areas where trees are to be saved and details measures to be taken to ensure protection and survivability of trees to be saved, prior to and during construction, and also complies with guidelines which are listed in this Manual.

A. TREE PRESERVATION PLAN CRITERIA.

1. A minimum 30% of any wooded area shall be maintained as wooded area without disturbing the roots of trees in the protected wooded area.
2. The developer should save tree groupings within wooded areas to maintain the trees' structural integrity and natural aesthetics.
3. The developer shall not include any trees or wooded area in easements, building areas, or rights-of-way as "preserved" or "protected" to satisfy the canopy coverage requirements.

B. TREE PRESERVATION PLAN REQUIREMENTS.

The following is a list of all items and information that must be included in the TPP.

1. Provide detailed description and location of individual and groups of trees to be preserved and the protection measures.
2. Plan must be at the same scale as the site development plan or grading plan.
3. Signed and sealed by a Missouri Landscape Architect.
4. Table listing the following:
   a. total site area
   b. square footage of existing tree canopy
   c. square footage of tree canopy coverage proposed for removal
   d. square footage of tree canopy coverage provided for preservation
5. Existing and proposed contours.
6. Location of existing tree canopy.
7. Locations of all improvements with proposed utilities as shown on the site development plan, including building areas, easements, or rights-of-way.
8. Limit of Disturbance Line.
9. General or conceptual locations of all sediment control devices and structures.

10. The location, type, size, and proposed removal or preservation, of all Monarch Trees as shown on the Tree Stand Delineation and the critical root zone for those trees within fifty feet (50') of the limit of disturbance.
11. Tree protection notes shall include the following language:
    a. Clearing limits shall be rough staked or marked by the Developer's surveyor in order to facilitate location for trenching and fencing installation.
    b. No clearing or grading shall begin in areas where tree treatment and preservation measures have not been completed.
    c. Protective devices with details (aeration systems, retaining walls, etc.).
    d. Early maintenance schedule (i.e. pruning, injection fertilizing, etc.).
    e. Name of tree specialist and company.

VIII. CONSTRUCTION STANDARDS FOR FIELD PRACTICE.

A. Protective fencing shall be installed along the Limit of Disturbance to prevent damage to the roots, trunk, and tops of protected trees. This protective fence shall constitute the Limit of Disturbance, and shall protect the tree and its roots from clearing, grading, soil filling, storage of materials, parking of vehicles, utility installation or other construction activity of any kind.

B. Signs designating tree protection areas shall be posted along the Limit of Disturbance.

C. Root Pruning or trenching shall occur when roots, within the critical root zone of a protected tree, will be damaged as a result of nearby excavation or the addition of fill over the root system.

D. Trenches should approach no closer than the drip line of the tree.

E. Sediment and Erosion Control Structures must be used to keep eroded soil from covering roots of protected trees. Siltation screens, etc., are appropriate.

F. Tunneling may be required when utilities are to run through a tree's critical root zone. Tunneling shall occur under the tree's drip line. Tunneling must adhere to the requirements set forth in Table 1.

TABLE 1: TUNNELING STANDARDS	
Tree Diameter (DBH)	*Tunnel Distance from trunk of tree measured in all directions*
Less than six inches (6")	3'
6-9"	5'
10-14"	10'
15-19"	12'
Over 19"	15'

IX. PRESERVATION REQUIREMENTS ON CONSTRUCTION SITE.

A. TREE PROTECTIVE MEASURES AND PROTECTED AREAS.

1. No plant material shall be removed or planted in a Do Not Disturb Zone without approval from the City of Chesterfield. The location of Do Not Disturb Zones shall be as determined during the establishment of the site specific ordinance or as established on the approved Tree Preservation Plan.
2. The developer shall not disturb the critical root zone area of any tree to be preserved.
3. A tree specialist shall be named and employed by the developer. Said tree specialist should be available for on-site inspections as directed by the City of Chesterfield.
4. During the erection, altering, or repairing of any building structure, street, sidewalk, underground pipe or utility, the contractor shall place guards, fences, or barriers to prevent injury to the trees.

B. Prior to the issuance of any occupancy permits, should any preserved tree die or be damaged beyond repair as a result of grading or construction damage the developer will pay a fine to the City equal to the value of the trees that die or are damaged beyond repair as certified and determined by the City's Tree Specialist. Said cost shall include the cost of appraisal incurred by the City of Chesterfield. The City will withhold occupancy permits until the fine is paid. Tree values shall be based on procedures in "Guide for Plant Appraisal", latest edition, published by the International Society of Arboriculture. Monies collected from fines will be placed in the Tree Preservation Account according to Section XV of this Tree Manual.

C. Should any tree die, or be damaged beyond repair, as a result of grading or construction within a two (2) year period after the last occupancy permit is issued

the developer shall be responsible for replacing the tree. Failure to replace shall constitute default and the City of Chesterfield shall be entitled to proceed against the surety or the cash escrow.

D. Refer to Section XIV for Surety and Escrow Procedures.

X. SPECIAL CONDITIONS.

The Department of Planning, upon written application by the applicant/owner for consideration of special conditions, may consider granting special conditions modifying the requirements of this Tree Manual with the procedures and limitations as set forth below. Modifications will require that a minimum of 30% of the wooded portion of the lot must be preserved or be replanted with acceptable tree species. Special conditions may be granted in whole, or in modified form with conditions or denied by the Department of Planning, after consideration of the requisites presented.

A. QUALIFYING PROJECTS.

1. Property for which:
   a. an ordinance, detailing development requirements, has been in existence as a result either by the City of Chesterfield or St. Louis County (prior to the City's incorporation), and;
   b. a valid Site Development Concept Plan, Site Development Plan, Site Development Section Plan or a Final Development Plan has been approved prior to the adoption of the original Tree Ordinance Number 1345 enacted on November 17, 1997; or

2. Property zoned commercial or industrial which will allow for clearing of the lot for the development of the square footage as previously approved by the current ordinance in place by the City of Chesterfield or the St. Louis County on the date of the adoption of the original Tree Ordinance; or

3. Property for which a tree specialist determines that the applicant is unable to provide tree preservation in accordance with this manual due to highly unique and severe circumstance such as extremely poor quality of trees, extreme topography, unusual lot shape, or other similar condition.

B. APPLICATION FOR SPECIAL CONDITIONS.

The information to be submitted as a part of the application for special conditions shall include but not be limited to the following:

1. A Tree Stand Delineation with overlay of the existing conditions.

2. An engineering plan and/or drawings which shows and describes that development of the structures as proposed or authorized is impossible because of the unique character of the site which is not generally applicable to other sites.

3. A statement certified by a tree specialist that development cannot preserve the existing trees because of species or condition, but a minimum 30% of the original wooded area will be replanted to permanent tree cover.

4. Each applicant seeking mitigation or a variance from the terms and conditions of this Tree Manual shall pay as a fee to offset the cost of administration an amount equal to the value of each tree that is removed from the required minimum 30% tree preservation area. The value of each tree is to be determined by the tree specialist.

5. A reforestation bond shall be posted to cover mitigation cost.

C. Refer to Section XIV for Surety and Escrow Procedures.

XI. MITIGATION PLAN.

The purpose of a Mitigation Application is to deter removal of trees. If the applicant/owner has established special conditions in accordance with Section X, then mitigation in accordance with an approved mitigation plan as authorized by the Department of Planning shall include the following:

A. Selective clearing and supplemental planting shall be displayed on an overlay plan.

B. An on site afforestation plan using larger or smaller stock; the number of trees will depend on the species selected and the ultimate tree canopy; based on tree sizes noted in the list of trees in Appendix A of this manual.

1. 400 sq. ft. for large trees
2. 300 sq. ft. for medium trees
3. 200 sq. ft. for small trees

Planting must achieve the dedication of a minimum 30% of the area of the original tree canopy coverage.

C. Applicants submitting mitigation plans must utilize a mix of trees that vary in species, size, growth rate, and life span and consists of no more than 20% of one category.

D. Where site constraints or other factors prevent replacement on or off site, the developer shall make a cash contribution to the Tree Preservation Account, according to Section XV of this manual, in an amount equal to the cost of replacing the trees which are not able to be preserved. Said costs shall include labor and plant material.

XII. PLANT SELECTIONS.

A. All trees shall be selected from the Recommended Tree List in the City of Chesterfield's Tree Manual.

B. All trees within five (5) feet of existing or proposed rights-of-way or public sidewalks shall be taken from the Street Tree category in the Recommended Tree List in the City of Chesterfield's Tree Manual.

C. A variety of trees from the Recommended Tree List must be utilized so that there is a mix of tree species, growth rate, and tree size.

D. A minimum of thirty percent (30%) of the trees must be of a species with a slow or medium growth rate.

E. For projects in which more than fifty (50) trees will be installed, a variety of tree species within each category of deciduous, evergreen, and ornamental trees must be utilized. Each category shall provide a minimum of twenty (20%) of the total trees to be planted. For projects that require only street trees, each category of deciduous and ornamental shall provide a minimum of twenty (20%) of the total trees to be planted.

XIII. LANDSCAPE PROPOSALS.

Landscape plans must be submitted to the Director of Planning in conjunction with a proposed development or redevelopment. A Conceptual Landscape Plan shall be submitted with the Site Development Concept Plans. A Conceptual Landscape Plan indicates the proposed landscaping along arterial and collector roadways. The City of Chesterfield requires the use of a mix of trees that vary in species, size, growth rate, and life span to promote the enhancement of the community.

A. LANDSCAPE PLAN REQUIREMENTS.

The information to be submitted as a part of the landscape plan shall include but not be limited to the following:

1. A map prepared to a scale no greater than one (1) inch equals one hundred (100) feet.

2. The landscape plan shall be of the same size and scale as the applicable site plan(s) submitted to the city.

3. A plan produced by a Missouri Landscape Architect, whose name and seal are attached.

4. Trees shall be selected from the Recommended Tree List included in Appendix A.

5. All proposed trees shall be a minimum of 2.5 caliper inches.

6. Tree locations, species, and numbers which shall be identified on the scaled drawing.

7. Elevations and plan views of proposed landscaping as requested by the City of Chesterfield.

8. A map legend identifying the symbols for the various types of trees.

9. Tree protection measures around all existing trees.

10. List the percent of greenspace in relation to total area.

11. A summary table for all plant materials listing Common and Scientific name and variety, Deciduous, Evergreen or Ornamental, Quantity, Maturity, Height and Caliper.

B. LANDSCAPE BUFFERS, SETBACKS, BERMS, OR WALLS

1. Landscape buffers are required per the criteria set forth in Table 2 below. Landscape buffers shall contain a combination of deciduous trees, evergreen trees, and shrubs and should enhance and preserve native vegetation.

TABLE 2: LANDSCAPE BUFFER REQUIREMENTS	
TYPE OF SUBDIVISION	**LANDSCAPE BUFFER REQUIRED**
When a Residential Subdivision Abuts a Residential Subdivision	Minimum 20 foot wide buffer strip, 10 feet of which may be satisfied by landscaping on the abutting property if provided.
When a Residential Subdivision Abuts a Non-Residential Subdivision	Minimum 30 foot wide buffer strip.
When a Non-Residential Subdivision Abuts a Residential Subdivision	Minimum landscaped buffer strip 30 feet in width. Up to 10 feet may be satisfied by landscaping on the abutting property.
When a Residential Subdivision Abuts a non-subdivision street	Minimum of 30 foot wide buffer strip.
For all property zoned as an "E" District	Minimum of 30 foot wide buffer strip. The buffer strip shall not be counted towards minimum lot size.
Development along collector or arterial roadway	Minimum of 30 foot wide buffer strip.

2. Landscaped berms, walls or fences are required to screen automobile headlights from areas zoned residential or non-urban.

3. Flexible residential landscape buffer requirements may be granted in cases where it can be demonstrated that the proposed landscape buffer encourages a creative design solution to the issue of buffering adjacent land uses.
4. For all districts, landscape buffers must be outside of the right-of-way dedication.

5. For all districts, no plantings are allowed within drainage swales or ditches.

6. For all districts, entrance islands and cul-de-sacs shall be landscaped as directed by the City of Chesterfield.

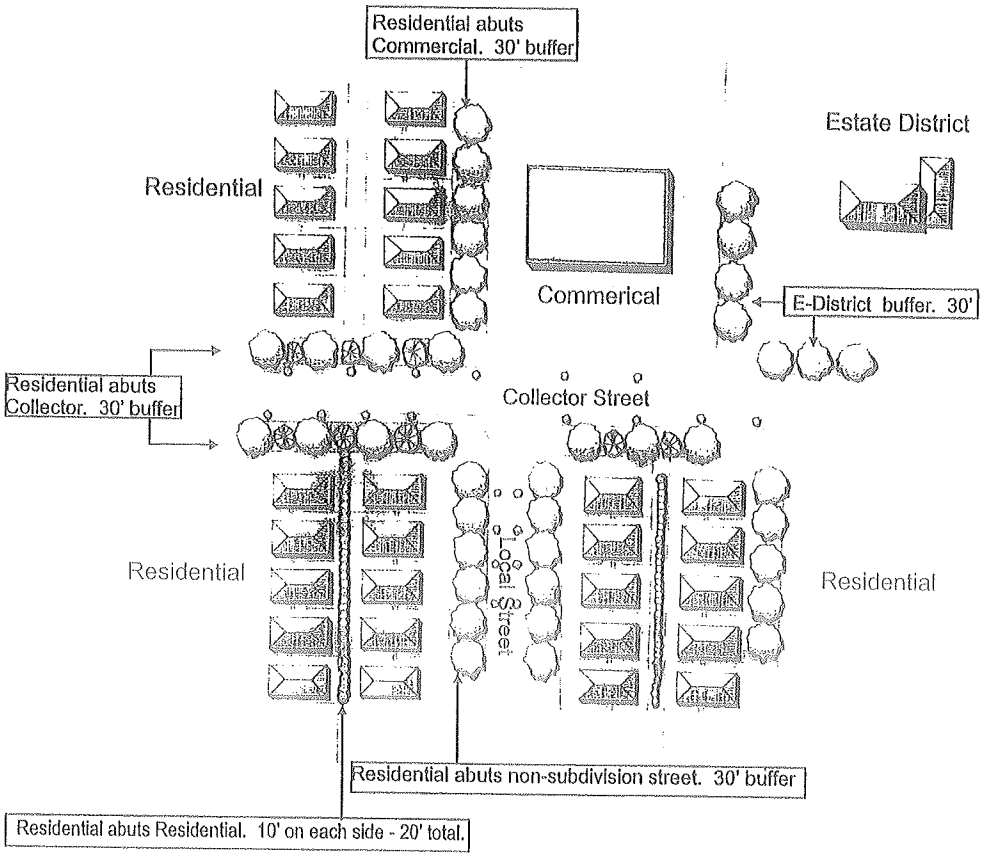


Figure 1: Buffer Requirements

C. LANDSCAPING FOR PARKING LOTS AND TREE ISLANDS.

1. Tree Islands:
   a. Landscaped islands shall be placed at the ends of parking aisles and within aisles.
   b. Islands shall have plantings consisting of ground covers such as shrubs, ivy, flowers, and grasses.
   c. Tree Islands shall be landscaped in accordance with Table 3 below:

TABLE 3: LANDSCAPE REQUIREMENTS FOR TREE ISLANDS	
Type of Island	**Landscaping Required**
Single Island	One deciduous tree required. Minimum landscape width of six (6) feet.
Single Island at end of single row of parking	A minimum area of one-hundred (100) square feet placed at the ends of a single row of parking. Two (2) deciduous trees are required that do not block required line of sight for exiting vehicles.
Double Island	Two (2) deciduous trees are required per double landscaped island.
Double Island at end of double row of parking	There shall be a double island of two-hundred-ten (210) square feet placed at the ends of a double row of parking. Two (2) deciduous trees are required that do not block required line of sight for exiting vehicles.

2. Parking Lots:
   a. No parking space shall be further than fifty (50) feet from a tree.
   b. All vehicular areas should have minimum fifteen (15) feet landscape setback from existing or proposed rights-of-way lines.
   c. Parking islands are not required to have a tree in instances where the adjacent parking spaces are within fifty (50) feet of a tree in other areas of the development.
   d. Trees planted in parking islands at no time shall block the required vehicle sight lines.

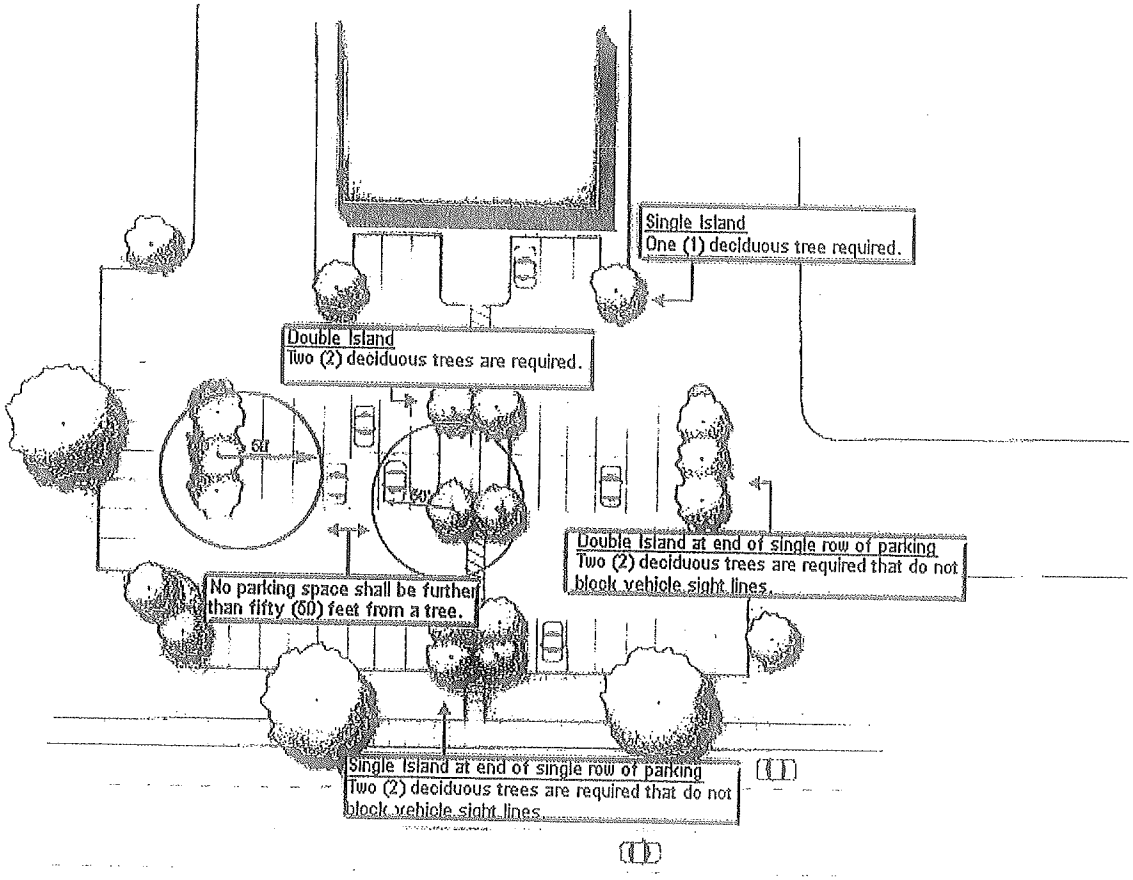


Figure 2: Typical Parking Lot Planting

D. STREET TREES, SHRUBS AND PLANTINGS.

1. The use of street trees and shrubs in landscaping for residential and non-residential subdivisions shall adhere to the requirements set forth by Table 4. Acceptable street trees for residential and non-residential subdivisions are approved by Council policy and are listed in Appendix A.

2. The Director of Planning may require that street trees are to be provided for all public streets within and adjacent to any proposed development where insufficient street trees presently exist. Proper approvals and permits must be obtained from the applicable agency. Planting locations will be guided by specifications found in this Tree Manual.

TABLE 4: STREET TREE PLACEMENT FOR RESIDENTIAL AND NON-RESIDENTIAL SUBDIVISIONS	
	PLACEMENT
Tree Frontage Requirement	A minimum of one (1) street tree for every forty (40) feet of lot frontage for single family subdivisions and fifty (50) feet of street frontage for multi-family subdivisions, including common land, and non-residential subdivisions.
Tree Size	Street trees shall be at least two and one-half (2 ½) inches in caliper.
Tree Species Utilized	A maximum of twenty (20) percent of one species may be utilized for street trees.
Location of tree to right-of-way	Street trees shall be located within a street right-of-way unless so approved by variance.
Location of tree to curb	Street trees shall not be planted closer than three (3) feet to any curb.
Location of tree to street lights	Street trees shall not be placed within twenty-five (25) feet of street lights.
Location of tree to street inlets or manholes.	Street trees shall not be planted within ten (10) feet of street inlets or manholes.

3. For all districts, landscaped entrance islands shall not block required lines of sight for intersecting vehicles.

4. For all districts, no tree, shrub or planting shall be placed within the sight distance triangle or the area of adjacent right of way bounded by the street pavement and the extension of the third leg of the sight distance triangle.*

5. Shrubs at mature size shall not extend over pavement or sidewalks. Trees shall be placed such that they can be trimmed to provide a minimum clearance of 10 feet over City-maintained sidewalks. Trees shall not obstruct the view of street signage.*

*These requirements apply to shrubs and plantings that at mature height exceed three (3) feet above the elevation of the adjacent pavement or sidewalk and trees that at mature height have bottom branches less than seven (7) feet above the adjacent pavement.

E. INSTALLATION AND MAINTENANCE.

1. Consideration must be given to year round appearance.

2. All landscaped areas, including islands, shall be provided with mechanical, in-ground irrigation system.

3. Cul-de-sacs shall be required to have sleeves for future irrigation. Refer to the Subdivision Ordinance Section 1005.180 for requirements.

4. All landscaped areas should be curbed or protected by parking stops. Consideration should be given to access for mowing equipment.

5. Burlap and twine shall be removed from at least top one third of the root ball before backfilling.

6. Mulch may be used instead of grass or in combination with grass. When mulch is used, it shall completely cover the root ball with a maximum of 2-4 inches of mulch.

F. LANDSCAPE BONDS.

Prior to the signing of any mylar for recording at St. Louis County, a landscape bond shall be posted. The requirements for landscape installation and landscape maintenance bonds in the City of Chesterfield are set forth in Table 5.

TABLE 5: LANDSCAPE BOND REQUIREMENTS	
Type of Landscape Bond	**Requirements**
Landscape Installation Bond	When the estimated materials costs for new landscaping shown on the site development plan exceeds one thousand ($1,000) dollars, as determined by a plant nursery, the petitioner shall furnish a two (2) year bond or escrow sufficient in amount to guarantee the installation of said landscaping.
Landscape Maintenance Bond	Upon release of the Landscape Installation Bond, a two (2) year Landscape Maintenance Bond is required.

G. SPECIAL STUDIES.

When deemed appropriate due to the nature of the existing vegetation on the site, the Planning Commission may require the developer to provide a landscape or forestry study by an Independent Urban Forester or a Missouri Landscape Architect.

XIV. SURETY AND ESCROW PROCEDURES.

1. Prior to the signing of any mylar to be recorded at St. Louis County, a surety or cash escrow shall be posted to account for trees that die, or are damaged beyond repair, as a result of grading or construction damage. The surety or cash escrow will remain for:

   a. Two (2) year period after the issuance of occupancy permits for individual developments not within a subdivision or.

   b. Two (2) years after the issuance of the last occupancy permit in developments of two structures or more.

2. The amount of the surety or cash escrow shall be in the amount of $20,000 for each acre contained in the tree preservation area. The amount may be pro-rated for any tree preservation area less than one (1) acre.

3. The number of replacement trees is determined by matching the total caliper inches of trees to be planted with the total DBH inches of trees that were lost.

4. A Landscape Plan shall be developed for the replacement trees according to specifications shown in this Tree Manual.

5. Failure to replace trees shall constitute default and the City of Chesterfield shall be entitled to proceed against the surety or cash escrow. Monies collected from fines will be placed in the Tree Preservation Account according to Section XV of this Tree Manual.

XV. TREE PRESERVATION ACCOUNT.

There is hereby established a "Tree Preservation Account" which shall be held as a separate account from the City's general fund. The monies paid as a result of fines or payments under the mitigation provisions of this ordinance or monies paid into this account pursuant to any other term of this ordinance, shall be used only for tree plantings on public property in the City of Chesterfield.

XVI. APPEAL.

A. Decisions of the Director of Planning regarding the application of this ordinance may be appealed to the Board of Adjustment in accordance with applicable procedures as established by the Board of Adjustment.

B. Decisions of the Director of Public Works regarding the application of this ordinance may be appealed to the Public Works Board of Variance in accordance with the applicable procedures as established by the Department of Public Works.

XVII. ADMINISTRATION AND ENFORCEMENT.

Administration and enforcement of the provisions of this manual shall be in accordance with the Zoning Ordinance of the City of Chesterfield Section 1003.200 which is adopted herein by reference. Subject to the exceptions noted in this manual, any person, firm, organization, society, association or corporation, or any agent or representative thereof who violates any section of this Tree Manual is subject to the penalties shown in Section XVIII. The removal of each tree in violation of this ordinance shall constitute a separate punishable offense. Violations occurring in the right of way shall be subject to the penalties as described in Chapter 26 of the City of Chesterfield Municipal Code.

XVIII. PENALTY FOR VIOLATION.

A. A violation of this section shall be a municipal violation and, in addition to any fines or other requirements of this manual, punishable by a fine of not less than five ($5) dollars and not more than five-hundred dollars ($1,000) or by imprisonment for a period not to exceed three (3) months or by both fine and imprisonment. Each occurrence, location, and failure to conform to the requirements of this ordinance shall constitute a separate offense, and each and every day that such violation shall continue shall be an additional violation with each violation being punishable by a separate fine and/or imprisonment.

B. In addition to the penalties herein above and authorized and established, the City Attorney shall take such other actions at law or in equity, as may be required to halt, terminate, remove or otherwise eliminate any violations of this section.

C. The City shall withhold occupancy permits until the fine is paid.

APPENDIX A *City of Chesterfield Recommended Tree List*

Scientific Name	*Common Name*	*Street Tree**	*Parking Lot or Island*	*Valley Sites*	*Evergreen*	*Ornamental*	*Mature Height feet*	*Growth Rate and Size class*
Abies concolor	Fir, White (Concolor)		x		x		45÷	Slow/Med (Large)
Acer ginnala	Maple, Amur		x			x	20-25	Med (Small)
Acer platanoides	Maple, Norway	x		x			45÷	Med (Large)
Acer platanoides 'Columnare'	Maple, Norway, Columnar		x	x			45÷	Med (Large)
Acer rubrum Varieties	Maple, Red and Varieties	x	x	x			45÷	Fast (Large)
Acer saccharinum	Maple, Silver			x			45÷	Fast (Large)
Acer saccharum Varieties	Maple, Sugar and Varieties	x	x				45÷	Slow/Med (Large)
Acer tataricum	Maple, Tatarian		x	x			15-25	Med (Small)
Acer x freemanii 'Jeffersred'	Maple, Hybrid, Autumn Blaze		x	x			45÷	Med/Fast (Large)
Acer x freemanii 'Scarsen'	Maple, Scarlet Sentinel		x	x			45÷	Fast (Large)
Aesculus glabra	Buckeye, Ohio		x	x		x	25-35	Slow (Medium)
Aesculus hippocastanum	Horsechestnut			x		x	30-45	Med (Medium)
Aesculus pavia	Buckeye, Red		x			x	20-30	Slow (Slow)
Alnus glutinosa	Alder, European	x		x			45÷	Med/Fast (Large)

***Street tree information included for informational purposes only. Street trees are approved by the Public Works/Parks Committee of City Council and the City Council and can be amended from time to time.**

Scientific Name	*Common Name*	*Street Tree**	*Parking Lot or Island*	*Valley Sites*	*Evergreen*	*Ornamental*	*Mature Height feet*	*Growth Rate and Size class*
Amelanchier arborea	Serviceberry, Downy		x			x	25-30	Slow/Med (Medium)
Amelanchier laevis 'Cumulus'	Serviceberry, Cumulus		x			x	25-30	Slow/Med (Medium)
Amelanchier x grandiflora 'Robin Hill'	Serviceberry, Robin Hill		x			x	25-30	Slow/Med (Medium)
Carpinus betulus	Hornbeam, European	x	x	x			35-40	Slow/Med (Medium)
Carpinus caroliniana	Hornbeam, American	x	x			x	20-35	Med (Small)
Carya illinoensis	Pecan			x			45+	Med/Fast (Large)
Carya laciniosa	Hickory, Shellbark			x			45+	Slow/Med (Large)
Carya ovata	Hickory, Shagbark			x			45+	Slow (Large)
Catalpa speciosa	Catalpa, Northern			x			45+	Fast (Large)
Celtis laevigata	Sugarberry	x		x			45+	Fast (Large)
Celtis occidentalis Varieties	Hackberry, and Varieties	x		x			45+	Med/Fast (Large)
Cercidiphyllum japonicum	Katsura		x			x	45+	Med/Fast (Large)
Cercis canadensis	Redbud, Eastern		x	x		x	25-30	Fast (Medium)
Cladrastis kentukea	Yellowwood	x					30-50	Slow/Med (Large)

***Street tree information included for informational purposes only. Street trees are approved by the Public Works/Parks Committee and the City Council and can be amended from time to time.**

Scientific Name	*Common Name*	*Street Tree**	*Parking Lot or Island*	*Valley Sites*	*Evergreen*	*Ornamental*	*Mature Height feet*	*Growth Rate and Size class*
Cornus florida	Dogwood, Flowering		x				15-25	Slow/Med (Small)
Crataegus crus-galli	Hawthorn, Cockspur		x			x	15-20	Med (Small)
Crataegus laevigata 'Superba'	Hawthorn, Crimson Cloud	x	x	x		x	15-20	Med (Small)
Crataegus phaenopyrum	Hawthorn, Washington		x			x	20-30	Med (Small)
Crataegus virdis	Hawthorn, Green			x		x	25-30	Med (Small)
Crataegus virdis 'Winter King'	Hawthorn, Winter King		x	x		x	25-30	Med (Small)
Eucommia ulmoides	Rubbertree, Hardy	x	x				45+	Med (Large)
Fagus grandifolia	Beech, American	x		x			45+	Slow/Med (Large)
Fagus sylvatica	Beech, European			x			45+	Slow/Med (Large)
Fraxinus Americana Varieties	Ash, White and Varieties	x	x				45+	Med/Fast (Large)
Ginkgo biloba-Male	Ginkgo (male)	x	x				45+	Slow/Med (Large)
Gleditsia triacanthos inermis-Thornless, Podless Varieties	Honeylocust-Varieties that are Thornless and Podless	x	x	x			45+	Fast (Large)
Gymnocladus dioicus	Kentucky Coffeetree		x				45+	Med/Fast (Large)
Halesia carolina	Silverbell		x	x		x	20-30	Slow (Medium)

***Street tree information included for informational purposes only. Street trees are approved by the Public Works/Parks Committee and the City Council and can be amended from time to time.**

Scientific Name	*Common Name*	*Street Tree**	*Parking Lot or Island*	*Valley Sites*	*Evergreen*	*Ornamental*	*Mature Height feet*	*Growth Rate and Size Class*
Ilex decidua	Holly, Deciduous		x	x		x	45+	Slow (Large)
Ilex opaca	Holly, American			x	x		45+	Slow (Large)
Juniiperus virginiana	Redcedar, Eastern		x	x	x		30-40	Med (Medium)
Juniperus chinensis	Juniper, Chinese		x		x		20-30	Slow/Med (Small)
Koelreuteria paniculata	Goldenrain Tree	x	x				25-40	Med/Fast (Medium)
Liquidambar styraciflua	Sweetgum			x			45+	Fast (Large)
Liriodendron tulipifera	Tuliptree			x			45+	Fast (Large)
Magnolia acuminata	Cucumbertree		x				45+	Slow/Med (Large)
Magnolia grandiflora	Magnolia, Southern			x		x	45+	Med (Large)
Magnolia virginiana	Magnolia, Sweetbay		x	x		x	15-25	Med (Small)
Magnolia x soulangiana	Magnolia, Saucer		x	x		x	20-30	Slow/Med (Medium)
Ostrya virginiana	Hophornbeam	x	x				30-40	Slow/Med (Medium)
Oxydendron arboreum	Sourwood, (Sorrel Tree)		x	x			20-30	Slow/Med (Medium)
Picea glauca	Spruce, White		x	x	x		30-40	Med (Medium)
Picea pungens	Spruce, Colorado Blue		x	x	x		30-40	Med (Medium)

***Street tree information included for informational purposes only. Street trees are approved by the Public Works/Parks Committee and the City Council and can be amended from time to time.**

Scientific Name	*Common Name*	*Street Tree**	*Parking Lot or Island*	*Valley Sites*	*Evergreen*	*Ornamental*	*Mature Height feet*	*Growth Rate and Size Class*
Pinus densiflora	Pine, Japanese Red		x		x		45+	Med (Large)
Pinus flexilis	Pine, Limber		x		x		30-40	Med (Large)
Pinus resinosa	Pine, Red			x	x		45+	Med (Large)
Pinus strobus	Pine, Eastern White		x	x	x		45+	Fast (Large)
Pinus thunbergiana	Pine, Japanese Black		x	x	x		45+	Med (Large)
Platanus occidentalis	Sycamore			x			45+	Fast (Large)
Platanus x acerifolia	Planetree, London	x		x			45+	Fast (Large)
Platycladus orientalis	Arborvitae, Oriental		x		x	x	30-40	Slow (Medium)
Prunus cerasifera	Plum, Purple-leaf		x			x	15-25	Med (Small)
Prunus sargentii 'Columnaris'	Cherry, Sargent, Columnar		x			x	30-40	Med (Medium)
Prunus serrulata	Cherry, Flowering, Japanese		x			x	25-35	Med (Medium)
Pyrus calleryana 'Chanticleer'	Pear, Callery, Chanticleer			x		x	15-25	Med (Small)
Pyrus calleryana 'Redspire'	Pear, Callery, Redspire		x			x	35-45	Med (Medium)
Quercus acutissima	Oak, Sawtooth	x		x			45+	Med (Large)
Quercus alba	Oak, White			x			45+	Med (Large)
Quercus bicolor	Oak, Swamp White	x		x			45+	Med (Large)

***Street tree information included for informational purposes only. Street trees are approved by the Public Works/Parks Committee and the City Council and can be amended from time to time.**

Scientific Name	Common Name	Street Tree*	Parking Lot or Island	Valley Sites	Evergreen	Ornamental	Mature Height feet	Growth Rate and Size Class
Quercus coccinea	Oak, Scarlet	x		x			45+	Med/Fast (Large)
Quercus falcata var.pagodafolia	Oak, Cherrybark			x			45+	Med (Large)
Quercus imbricaria	Oak, Shingle	x		x			45+	Med (Large)
Quercus macrocarpa	Oak, Bur			x			45+	Slow/Med (Large)
Quercus michauxii	Oak, Swamp Chestnut	x		x			45+	Med (Large)
Quercus muehlenbergii	Oak, Chinkapin	x		x			45+	Med (Large)
Quercus robur	Oak, English,	x		x			45+	Med (Large)
Quercus rubra	Oak, Northern Red	x	x				45+	Med/Fast (Large)
Quercus stellata	Oak, Post			x			45+	Slow (Large)
Quercus velutina	Oak, Black			x			45+	Med (Large)
Quercus shumardii	Oak, Shumard	x		x			45+	Med/Fast (Large)
Quersus prinus	Oak, Chestnut			x			45+	Med (Large)
Salix nigra	Willow, Black			x			30-40	Fast (Medium)
Sassafras albidum	Sassafras			x			30-40	Med (Medium)
Sophora japonica	Pagodatree, Japanese			x		x	45+	Med (Large)

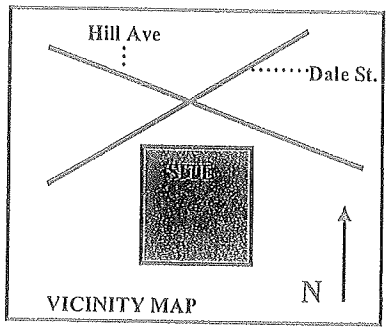
***Street tree information included for informational purposes only. Street trees are approved by the Public Works/Parks Committee and the City Council and can be amended from time to time.**

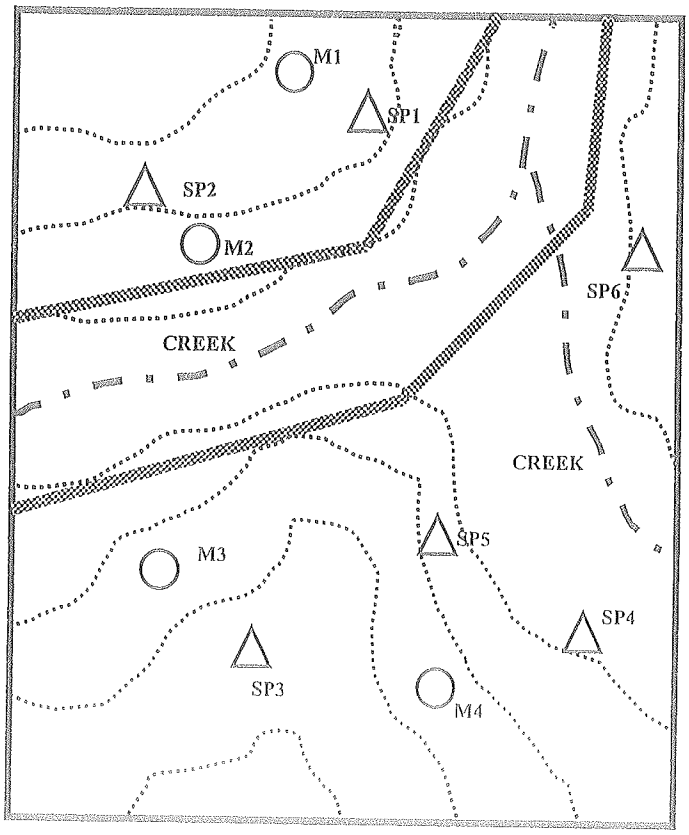
Scientific Name	*Common Name*	*Street Tree**	*Parking Lot or Island*	*Valley Sites*	*Evergreen*	*Ornamental*	*Mature Height feet*	*Growth Rate and Size Class*
Syringa reticulata	Lilac, Japanese Tree		x			x	25-30	Med (Small)
Taxodium distichum	Baldcypress			x			45+	Med (Large)
Tilia americana	Basswood, American (Linden)	x		x			45+	Med/Fast (Large)
Tilia cordata Varieties	Linden, Littleleaf and Varieties	x	x				45+	Slow/Med (Large)
Tsuga canadensis	Hemlock, Canadian		x	x	x		45+	Slow/Med (Large)
Ulmus americana Varieties	Elm, American and Varieties	x		x			60-80	Med/Fast (Large)
Ulmus parvifolia	Elm, Chinese (Lacebark)	x		x			45+	Med/Fast (Large)`
Zelkova serrata Varieties	Zelkova and Varieties	x		x			45+	Fast (Large)

*Street tree information included for informational purposes only. Street trees are approved by the Public Works/Parks Committee and the City Council and can be amended from time to time.

SAMPLE TREE STAND DELINEATION MAP

Aerial Photography/BAF 10 Method





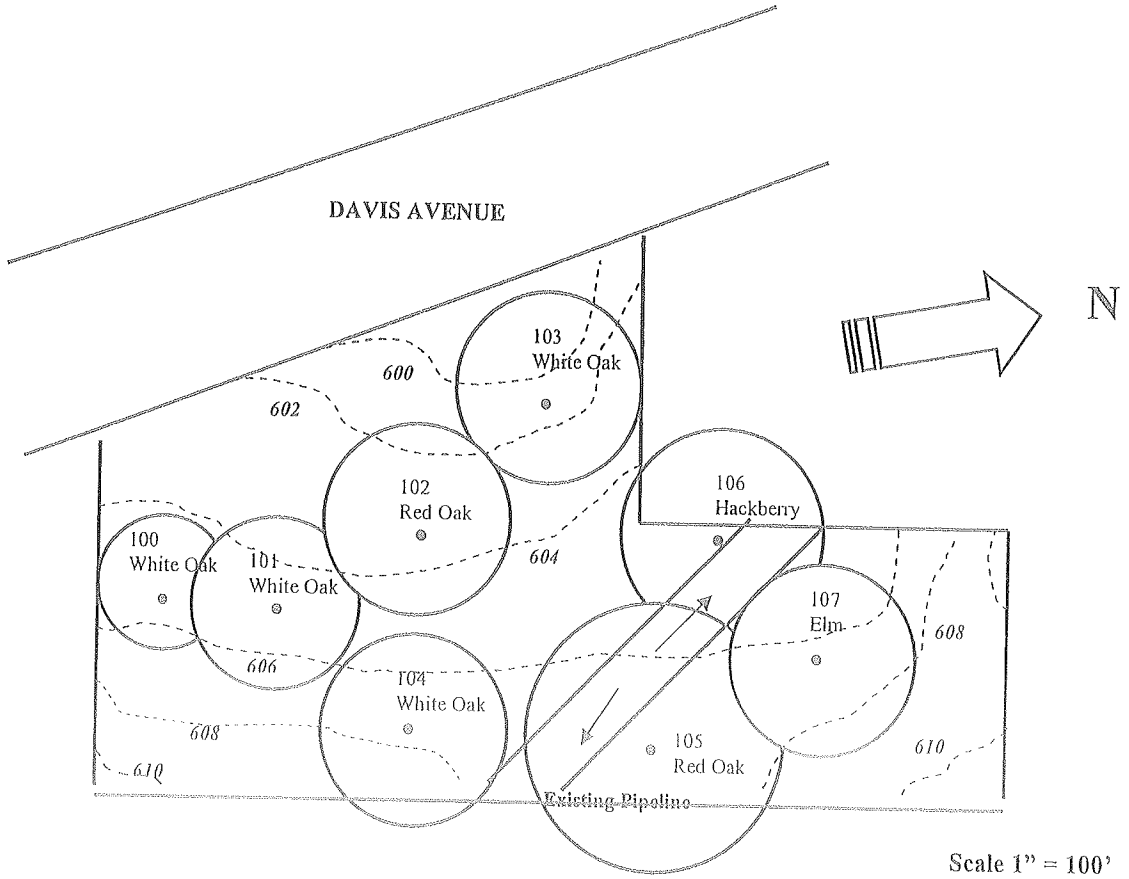
N

SCALE 1" = 200'

SAMPLE TREE STAND DELINEATION MAP

Ocular Estimate Method

RATING CHART



III. A. 2.

DATE: **February 16, 2007**

TO: **Planning & Zoning Committee**

FROM: **Mike Geisel, DPW/CE/Acting Director of Planning**

SUBJECT: **Estate District**

Attached hereto is a copy of Chesterfield Ordinance #2275. As you may recall, said ordinance represents the third evolution of legislation providing for the Estate District. The first version of these ordinances provided for three separable procedures to rezone to an Estate classification. The second version eliminated one procedure and clarified multiple items.

The third and current version of the Estate District Ordinance eliminated the PEU procedure and Section 1.B states **"E Estate Residence Districts are established as a straight zoning".** Under a straight zoning procedure, the Planning Commission provides recommendations as to the appropriateness of the zoning category, with the applicable zoning criteria for setbacks, buffers, lot size, use categories and other performance measures as provided for in the E-District enabling ordinance. Unlike a planned district, such as a PC or PI, there is no site specific attachment A. Any development of the rezoned property must simply comply with the zoning district requirements. Once the property is re-zoned, there is no further review or recommendations by the Planning Commission. Of course, if there is a subdivision or record plat, that is a separable process and is reviewed regardless of the underlying zoning districts.

Unfortunately, within the revised ordinance, there exists some remnants of earlier language which has caused confusion for Staff in interpreting the original intent. Although the introduction explicitly identifies the Estates Districts to be "Straight Zoning", section D (1.) (c.) and section C (1.) (c.) state "Notwithstanding the recommendation of the Planning Commission…". While this is the standard paragraph included which provides the ability for City Council action to supersede the Planning Commission's recommendation, the reference to a recommendation that would not exist within the "Straight Zoning" process is confusing. Finally, section 6 deals only with those sites where the Development includes land dedication for a City Park or School. That Section identifies a Site Development Concept plan and review by the Planning Commission. Both of which would not exist within a "straight zoning".

While the inconsistencies are minor, it is critical that the process accomplish City Council's desired effect. Toward that goal, I suggest the ordinance be amended to reflect that desire. While it may be reasonable and rational for Staff to simply

interpret the apparent inconsistencies as minor editorial oversights during multiple edits of the ordinance, it is important that the ordinance be amended to be consistent with City Council's actual intent. Accordingly, **Staff is requesting direction as to whether Council desires the E-Districts to be processed as straight zonings as opposed to a Planned Procedure.** Once that intent is communicated, appropriate language will be developed and ordinance amendment procedures initiated.

There are obvious advantages and disadvantages to either process. I would be happy to discuss those differences at your convenience.

Cc Michael G. Herring, City Administrator
Rob Heggie, City Attorney

BILL NO. 2455 ORDINANCE NO. 2275

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ZONING ORDINANCE SECTION 1003.107 TO ALLOW FOR NEW CRITERIA FOR ESTATE DISTRICTS (P.Z. 19-2005 CITY OF CHESTERFIELD/VARIOUS SECTIONS OF THE ZONING ORDINANCE)

WHEREAS, the Planning Commission Ordinance Review Committee has been working on amendments to the requirements for the Estate Districts; and,

WHEREAS, the amendments include clarification of regulations, addition of development criteria, and amendment to the permitted uses; 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 include exceptions for the standards set forth in Table 3 and to clarify the exceptions for lot size.

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.

Passed and approved this 13th day of June, 2006

MAYOR

ATTEST:

CITY CLERK

First Reading Held: 5/15/06

1003.107 "E" Estate Residence Districts

1. Introduction.

A. The purpose of this section is to establish the "E" Estate Residence Districts ("E" Districts). The intent of the "E" Districts is for the promotion of flexibility in development and design while preserving and enhancing the community character of the area with well-buffered, well-landscaped neighborhoods.

B. "E" Estate Residence Districts are established as a straight zoning. The three types of "E" Districts are: "E-Two Acre", "E-One Acre", and "E-Half Acre".

2. Permitted and Accessory Uses.

A. The following is a list of permitted uses in all "E" Districts.

(1.) Detached single-family homes.
(2.) Churches and other places of worship.
(3.) Schools, public or private, including kindergarten, elementary, secondary and collegiate.
(4.) Parks, parkways, and playgrounds, public or private not-for-profit.
(5.) Forest and wildlife reservations including conservation projects.
(6.) Home Occupations
(7.) Local public utility facilities, provided that any installation other than poles and equipment attached to the poles, shall be:
  a. Adequately screened with landscaping, fencing or walls or any combination thereof; or
  b. Placed underground; or
  c. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.
(8.) Police and fire stations.

B. Attached single-family homes are only permitted in the E-Half Acre district.

C. The following uses may be permitted with a Conditional Use Permit in all "E" Districts.

(1.) Administrative offices for educational facilities and administrative offices for religious purposes.
(2.) Mortuaries, cemeteries, urn gardens, columbaria, and mausoleums, including mortuaries operated in conjunction with the cemetery or mausoleum.
(3.) Child care centers, child nursery schools, child day nurseries, and child or adult day care homes (daycare centers required conditional use permits)
(4.) Private, not-for-profit clubs, private, not-for-profit recreational land uses, and community centers.

(5.) Foster homes.
(6.) Group Homes for the mentally or physically handicapped occupied by no more than 9 individuals (excluding supervisory personnel) not related by blood or marriage to the operator or operators of the facility.
(7.) Nursing and group homes for the elderly.
(8.) Hospitals and hospices.
(9.) Local public utility facilities over 60 ft in height and public utilities facilities.
(10.) Dormitory for group living facilities related to religious, educational, or charitable purposes.
(11.) Radio, television, and communication transmitting, receiving, or relay towers and facilities.
(12.) Retreats owned and operated by religious, educational, or other not-for-profit establishments.
(13.) Riding stables and kennels.
(14.) Satellite dishes (additional provisions in Section 1003.167.17)
(15.) Sewage facilities, other than facilities permitted as an accessory use.
(16.) Specialized private schools.
(17.) Libraries, public or not-for-profit.

D. Accessory Land Uses.
(1.) Accessory land uses are subject to compliance with the procedures of this section. Accessory buildings and structures are permitted in conjunction with a permitted land use or (unless restricted by applicable condition) a conditional land use when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, and serves only to further the successful utilization of the primary use.
(2.) Accessory land uses for all "E" Districts include the following:
a. Devices for generation of energy, such as solar panels, wind generators, and similar devices;
b. Individual sewage treatment facilities serving an individual dwelling, farm, or nonresidential use, as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed 5,000 gallons per day flow;
c. Private stables, including an indoor riding arena.

3. Lot Size and Density Regulations.

A. Minimum lot areas for non single family uses are listed in Table 1:

TABLE 1: MINIMUM LOT AREA FOR NON SINGLE FAMILY USES			
	Minimum Lot Area(in acres)		
Use	E-TWO ACRE	E-ONE ACRE	E-HALF ACRE
Administrative offices for educational or religious facilities	3	3	3
Child care centers, child nursery schools, child day nurseries, and child or adult day care homes	3	2	1
Churches or other places of worship	5	5	3
Dormitory and group living facilities	5	5	5
Group living facilities for religious purposes	2	1	½
Library	4	4	4
Local public utility facilities	10,000sq ft.	10,000sq ft.	10,000sq ft.
Sewage facility	1	1	1
Mortuary (also requires 200 ft frontage on state road and adjacent to existing commercial district)	3	3	3
Riding stables and kennels	5	5	5
Schools:			
Kindergarten	3	3	3
Primary	5	5	5
Junior High	10	10	10
Senior High	20	20	20
Collegiate	10	10	10
All other non-residential permitted uses	5	5	5

B. Lot size and density requirements for single family residential developments are listed in Table 2. The maximum density of units per development shall be dependent upon the type of "E" District utilized.

TABLE 2: LOT SIZE AND DENSITY FOR SINGLE FAMILY RESIDENTIAL DEVELOPMENT			
District	Minimum Lot Size	Density	Density Example
E-Two Acre	1 acre	2 acres per home	A 10 acre development can have max. 5 homes on site.
E-One Acre	22,000 sq. ft	1 acre per home	A 10 acre development can have max. 10 homes on site.
E-Half Acre	15,000 sq. ft	½ acre per home	A 10 acre development can have max. 20 homes on site.

C. **Calculating lot size.**
(1.) Private streets shall not be counted towards the minimum lot size.
(2.) In E-Two Acre and E-One Acre Districts, all buffers shall not be counted towards the minimum lot size.

D. **Exceptions.**
(1.) The standard regarding lot size in Section B above may be modified when the following is met:

(a.) The petitioner has demonstrated that said modification will encourage, promote, and reward good architecture and urban planning; and

(b.) The petitioner has demonstrated the existence of a practical difficulty such as the topography of the site and the request is not based on mere convenience or to maximize density; and

(c.) Notwithstanding the recommendation of the Planning Commission, if it may be demonstrated that a modification will encourage, promote, and reward good architectural and urban planning by a majority vote of City Council, the Council may modify the standards contained in this section.

4. Development Standards for Single Family Residential Use.

A. Development standards are set forth in Table 3.

TABLE 3: DEVELOPMENT STANDARDS			
Development Standard	**E-Two Acre**	**E-One Acre**	**E-Half Acre**
Minimum front yard setback from local streets as established by the City of Chesterfield.	25 ft	25 ft	20 ft
Minimum rear yard setback local streets	25 ft	25 ft	20 ft
Minimum side yard setback*	25 ft; 50 ft between structures	20 ft; 40 ft between structures	15 ft; 30 ft between structures
Pavement and right-of-way widths shall be as specified in the Subdivision Regulations (Section 1005.180). For the "E" Districts, the off-street parking, loading and internal drive requirements are comparable to the corresponding "R" District or as directed by the Department of Public Works	Correspond to Street Matrix or as directed by Department of Public Works	Correspond to Street Matrix or as directed by Department of Public Works	Correspond to Street Matrix or as directed by Department of Public Works

Maximum Building Height (except church steeples which may be 100 ft)	50 ft	50 ft	50 ft
Minimum Dedicated Landscape Buffer Along Collector and Arterial Roadways**	30 ft	30 ft	30 ft
Structure setback from arterial and collector roadways	80 ft	80 ft	80 ft

* Side yard setback may be reduced up to 5 feet if the adjacent lot's neighboring side yard setback is increased by the same amount so the distance between structures remains at the minimum required in each "E" District.

** When the development adjoins a collector or arterial roadway, as established by the Comprehensive Plan or as determined by the Director of Public Works, a minimum dedicated 30 foot landscape buffer shall be provided. In no case shall the total number of units in the development (net acreage) exceed the average acreage per unit as established by the underlying zoning.

B. Additional landscape buffering could be required for developments under review having a greater density than the existing adjacent development, as directed by the City of Chesterfield.

C. **Exceptions.**

(1.) The standards set forth above in Table 3 may be modified when the following is met:

(a.) The petitioner has demonstrated that said modification will encourage, promote, and reward good architecture and urban planning; and

(d.) The petitioner has demonstrated the existence of a practical difficulty such as the topography of the site and the request is not based on mere convenience or to maximize density; and

(e.) Notwithstanding the recommendation of the Planning Commission, if it may be demonstrated that a modification will encourage, promote, and reward good architectural and urban planning and the Council approves by a majority vote of City Council, the Council may modify the standards contained in this section.

5. **Development Standards for Non Residential Use.**
   A. Development standards for non single family residential use in the "E" Districts are set forth in Table 4.

TABLE 4: DEVELOPMENT STANDARDS NON RESIDENTIAL USE			
Development Standard	**E-Two Acre**	**E-One Acre**	**E-Half Acre**
Minimum structure setback from every collector or arterial street	150 ft	150 ft	150 ft
Minimum structure setback from any other street	100 ft	100 ft	100 ft
Minimum structure setback from any adjacent property line	75 ft	75 ft	75 ft
Maximum Building Height *	50 ft	50 ft	50 ft
Minimum parking lot setback distance from any peripheral road **	50 ft	50 ft	50 ft

* Unless specifically stated otherwise and with the exception that church steeples may extend to 100 feet in height as measured from the average floor grade elevation of the first story.

** Parking lots shall be located at least 50 feet further from any peripheral road than the structure is from said road. No parking lots shall be located in any front, side, or rear yard setback. The term "peripheral road" refers to a minor or secondary road that connects to a major roadway.

B. No structure or plant material over 3 feet high shall be permitted in the sight distance triangle of corner lots.

C. All developments shall adhere to the tree requirements set forth in the City of Chesterfield's City Code.

D. Boundary walls, fences, or permitted information signs of 6 feet or less are allowed within minimum front, side, and rear yard setback. Retaining walls up to 8 feet in height are permitted within all yard setbacks. When retaining walls are tiered, the minimum horizontal distance between retaining walls (closest edge to closest edge) shall be 4 feet.

E. All signage shall adhere to the requirements set forth in the City of Chesterfield's Zoning Ordinance. Permitted directional signs of 3 feet or less are permitted within the front yard setback.

F. Lighting.
   (1.) Light standards for street lighting or ingress/egress points, but not including parking lot lighting, are allowed within minimum front yard setback when approved by the Department of Planning.

(2.) All light standards and illumination levels shall adhere to the requirements set forth in the City of Chesterfield's City Code.

(3.) Light standards for parking lot lighting are allowed within the following setbacks:

(i.) within the minimum front yard setback when approved by the Department of Planning;

(ii.) no closer than 25 feet of any side or rear yard line adjoining property in the "NU", "AG", "PS" or any residential district.

G. Any non-residential structure, other than a pubic utility tower authorized by conditional use permit, which exceeds 30 feet in height shall be set back from all property lines at least one additional foot for every foot of height above 30 feet.

H. Off-street parking and loading requirements. Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives are set forth in City of Chesterfield Zoning Ordinance.

6. **Dedications for Public Schools and Public Parks.** Developments may include land designated for dedication for public school or public park use, which land may be considered part of the gross acreage of the development in computing the maximum number of lots that may be created or dwelling units that may be authorized, provided that:

A. The area of the proposed "E" District development shall be at least 30 acres in the case of a public school dedication and 60 acres in the case of a public park dedication, unless otherwise authorized or required by the City of Chesterfield.

B. The proposed school site is compatible with a generalized plan for school locations published by the school district.

C. Prior to approval of a site development concept plan, a written agreement between the petitioner and the school district shall be submitted to the Planning Commission for review. This agreement shall indicate who is responsible for the installation of required improvements adjacent to or affecting the school site, and when the improvements will be installed.

D. Prior to approval of a site development concept plan, a written agreement between the petitioner and the school district shall be submitted to the Planning Commission for review. This agreement shall indicate who is responsible for the installation of requirement improvements adjacent to or affecting the school site, and when the improvements will be installed.

E. The proposed site is dedicated to public school or park use in a manner approved by the City Attorney as to legal form prior to recording of the site development concept plan.

F. The site development concept plan identifies the boundaries of the dedicated tract within the "E" District development.

G. The deed of dedication for a public park(s) or public school use shall provide that in the event the property shall no longer be used for that purpose, it will revert to the trustees of the subdivision which it is located as common land.

7. Community Character Development Standards.

A. Easements for utility or access purposes shall be allowed to cross any required landscape easement or buffer, landscape area or setback. If a utility or access easement runs parallel for the whole length of a required landscape easement or buffer, landscape area or setback, the minimum width of the required landscaped buffer shall not include with width of the utility or access easement, and shall be calculated by excluding the width of the utility or access easement. If the utility or access easement crosses into the requirement landscape easement, buffer, landscaped area or setback, that portion of the utility or access easement shall be landscape and vegetations shall be replaced. Establishment of landscape buffer easements shall be directed by the City of Chesterfield.

B. Sidewalks are optional when all lots are 1 acre or greater; when any lots are less than 1 acre, sidewalks shall be required on one side of the street and shall be encouraged to "wander" from a straight path to reduce grading and save trees or to be provided in the form of pedestrian walkways linking primary activity centers or destinations. Sidewalks must be maintained in dedicated easement with access and working room and shall comply with ADA.

C. Jogging trails shall be allowed in any open space or buffer area but must be coordinated with any Tree Preservation Plan.

D. Natural resource protection shall be maintained at the following levels:
(1.) Floodways-as specified by federal, state, county and city regulations.
(2.) Wetlands-as specified by federal, state, county and city regulations.
(3.) Flood plains-80% of all flood plain areas shall be protected and shall remain without development.
(4.) Steep slopes-70% of all areas exceeding a 30% slope shall be protected and shall remain without development.
(5.) Woodlands-per the regulations in the City of Chesterfield Zoning Ordinance.

E. Right-of-way grading. Slopes from the curb that go downhill at any slope larger than 1% must have a minimum of 4 feet of ground adjacent to the curb that is a

maximum of a 1% downward slope, except in areas near a storm sewer, where there must be a minimum of 7 feet of ground that is a maximum of a 1% downward slope. For the purposes of this requirement, "near" shall mean within 10 feet (measured along the curb) from the storm sewer.

G. Stormwater. Open swales, as opposed to enclosed systems, shall be permitted where appropriate as deemed so by the Department of Public Works.