



**AGENDA REVIEW MEETING
CHESTERFIELD CITY COUNCIL
Monday, January 5, 2015
6:30PM**

- 1. Finance and Administration Committee – Chairperson Derek Grier, Ward II**
 - A. Motions to Override Mayor’s Vetoes**
 1. Amount Budgeted for Employee Holiday Grocery Gift Certificates
 2. Amount Budgeted for Employee Performance-Based Salary Adjustments – 2015
 3. Amount Budgeted for New Police Officers
 4. Amount Budgeted for funding for “Superintendent of Arts and Entertainment” Position and Additional “Recreation Specialist” Position
 - B. Next Meeting – Monday, January 26, 2015 (5:30pm)**

- 2. Planning and Public Works Committee – Chairperson Dan Hurt, Ward III**
 - A. Bill No. 2998 - Approves Boundary Adjustment Plat - Four Seasons Plaza (**FIRST AND SECOND READINGS**)**
 - B. Bill No. 3009 - P.Z. 15-2014, City of Chesterfield (Unified Development Code; Floodplain updates) (**SECOND READING**)**
 - C. Bill No. 3012 - P.Z. 16-2014, City of Chesterfield (Urban Core Updates) (**FIRST READING; GREEN SHEET AMENDMENT**)**
 - D. Bill No. 3013 – Property Assessed Clean Energy (PACE) Program (**FIRST READING**)**
 - E. Next Meeting – Thursday, January 8, 2015 (5:30pm)**

3. Report from the City Administrator – Michael G. Herring

4. Adjourn –

NOTE: City Council 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.

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AGENDA
CHESTERFIELD CITY COUNCIL MEETING
Chesterfield City Hall
690 Chesterfield Parkway West
Monday, January 5, 2015
7:00PM

- I. CALL TO ORDER** – Mayor Bob Nation

- II. PLEDGE OF ALLEGIANCE** – Mayor Bob Nation

- III. MOMENT OF SILENT PRAYER** – Mayor Bob Nation

- IV. ROLL CALL** – Deputy City Clerk Jeanie Black

- V. APPROVAL OF MINUTES** – December 1, 2014
 - A. Public Hearing re: FY2015 Budget
 - B. City Council Meeting

- VI. INTRODUCTORY REMARKS** – Mayor Bob Nation
 - A. **Monday, January 19** – Martin Luther King, Jr. Birthday Holiday – City Hall Closed
 - B. **Tuesday, January 20 (5PM)** – Qualifying period ends re: April 7 City Election
 - C. **Wednesday, January 21** – Next City Council meeting (7pm)

- VII. COMMUNICATIONS AND PETITIONS** – Mayor Bob Nation
 - A. **Presentation** – Chief Ray Johnson

VIII. RE-APPOINTMENTS – Mayor Bob Nation

A. Architectural Review Board

IX. COUNCIL COMMITTEE REPORTS

A. Finance and Administration Committee – Chairperson Derek Grier, Ward II

1. Motions to Override Mayor’s Vetoes

- A.** Amount Budgeted for Employee Holiday Grocery Gift Certificates
- B.** Amount Budgeted for Employee Performance-Based Salary Adjustments – 2015
- C.** Amount Budgeted for New Police Officers
- D.** Amount Budgeted for funding for “Superintendent of Arts and Entertainment” Position and Additional “Recreation Specialist” Position

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B. Planning and Public Works Committee – Chairperson Dan Hurt, Ward III

- 1. Bill No. 2998 - Approves Boundary Adjustment Plat - Four Seasons Plaza (**FIRST AND SECOND READINGS**)**
- 2. Bill No. 3009 - P.Z. 15-2014, City of Chesterfield (Unified Development Code; Floodplain updates) (**SECOND READING**)**
- 3. Bill No. 3012 - P.Z. 16-2014, City of Chesterfield (Urban Core Updates) (**FIRST READING; GREEN SHEET AMENDMENT**)**
- 4. Bill No. 3013 – Property Assessed Clean Energy (PACE) Program (**FIRST READING**)**
- 5. Next Meeting – Thursday, January 8, 2015 (5:30pm)**

X. REPORT FROM THE CITY ADMINISTRATOR – Michael G. Herring

A.

XI. OLD BUSINESS – Mayor Bob Nation

XII. NEW BUSINESS – Mayor Bob Nation

XIII. LEGISLATION

- A. **BILL NO. 3009** – REPEALS ORDINANCE 2284 AS EMBODIED IN CHAPTER 14, FLOOD DAMAGE PREVENTION, OF THE CITY CODE AND REPLACES IT WITH A REVISED ARTICLE 05 OF THE CITY OF CHESTERFIELD, MISSOURI UNIFIED DEVELOPMENT CODE AND REPEALS AND AMENDS THE FOLLOWING: ARTICLE 02-05, ARTICLE 02-18.C, ARTICLE 03-02, ARTICLE 03-05, ARTICLE 03-08, ARTICLE 07-05.D, ARTICLE 07-06, ARTICLE 09-03.B, AND ARTICLE 10-12 RELATED TO THE SAME (P.Z. 15-2014, CITY OF CHESTERFIELD UNIFIED DEVELOPMENT CODE UPDATES) (**SECOND READING; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)
- B. **BILL NO. 3013** – AUTHORIZING THE CITY OF CHESTERFIELD, MISSOURI TO JOIN THE MISSOURI CLEAN ENERGY DISTRICT PURSUANT TO SECTIONS 67.2800 TO 67.2835, INCLUSIVE, RSMO., THE “PROPERTY ASSESSED CLEAN ENERGY ACT,” AND STATING THE TERMS UNDER WHICH THE CITY WILL CONDUCT ACTIVITIES WITHIN THE CITY AS A MEMBER OF SUCH DISTRICT; REQUESTING APPOINTMENT TO THE DISTRICT’S ADVISORY BOARD; DISCLAIMING ANY NEED FOR APPROPRIATION; AND DIRECTING THE CITY CLERK TO SEND A CERTIFIED COPY OF THIS ORDINANCE TO THE BOARD OF DIRECTORS OF THE DISTRICT. (**FIRST READING; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

XIV. LEGISLATION – PLANNING COMMISSION

- A. **BILL NO. 2998** – PROVIDES FOR THE APPROVAL OF A BOUNDARY ADJUSTMENT PLAT FOR FOUR SEASONS PLAZA FOR A 16.26 ACRE TRACT OF LAND ZONED “C-2” SHOPPING DISTRICT AND “PC” PLANNED COMMERCIAL DISTRICT LOCATED SOUTH OF OLIVE BOULEVARD AND WEST OF WOODS MILL ROAD (16Q220719, 16Q210763 AND 16Q220690) (**FIRST AND SECOND READINGS; DEPT. OF PUBLIC SERVICES RECOMMENDS APPROVAL**)
- B. **BILL NO. 3012** – AMENDS ARTICLE 3 SECTION 03-04.H OF THE UNIFIED DEVELOPMENT CODE TO AMEND DEVELOPMENT CRITERIA AND STANDARDS TO ENCOURAGE PEDESTRIAN CONNECTIVITY AND ACCESS WITHIN THE URBAN CORE DISTRICT (P.Z. 16-2014 CITY OF CHESTERFIELD {URBAN CORE DISTRICT UPDATES}) (**FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED WITHIN THE ATTACHED GREEN SHEET AMENDMENT**)

XV. ADJOURNMENT

NOTE: City Council 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.

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AGENDA REVIEW – Monday, January 5 – 6:30PM

Please note that an AGENDA REVIEW meeting has been scheduled for **6:30pm**, on Monday, January 5, 2014. The enclosed AGENDA contains a list of those items to be discussed, by City Council, at this meeting.

As always, if you have any questions regarding any of the items contained within said AGENDA, please let me know. Additionally, if there is anything that you would like ADDED to said AGENDA, please contact either Mayor Nation, or me, prior to Monday's meeting.

UPCOMING MEETINGS/EVENTS

Thursday, January 8

P/PW Committee (5:30pm)

Monday, January 12

Planning Commission (7pm)

Monday, January 19

City Hall Closed (Martin Luther King, Jr. Birthday
Holiday) City Hall Closed

Tuesday, January 20

Qualifying period ends at 5pm (re: April 7, 2015 Election)

Wednesday, January 21

Next City Council meeting



RECORD OF PROCEEDING

PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD 690 CHESTERFIELD PARKWAY WEST

DECEMBER 1, 2014

Mayor Bob Nation called the Public Hearing to order at 6:35 p.m. Councilmembers Flachsbart, Greenwood, Grier, Grissom, Casey, Hurt and Fults were also in attendance, along with seven visitors/members of the Press.

Mayor Nation recognized City Administrator Mike Herring who expressed his appreciation for the honor and privilege of serving as City Administrator, a position he has held since July, 1988. He noted that the proposed FY2015 Budget was the 28th Budget that he has prepared, in his capacity as Chesterfield's City Administrator. Mr. Herring continued by explaining that Section 3 of Ordinance No. 10 requires the City Administrator to prepare and submit a budget for City Council to consider/adopt, prior to January 1 of each year. Section 4 of Ordinance No. 10 requires that a Public Hearing be held, prior to the adoption of the budget. Mr. Herring noted that his presentation would satisfy all requirements of Ordinance No. 10. He also stated that the FY2015 Budget reflects all decisions/changes made by the Mayor/City Council, during a Finance and Administration "Committee-of-the-Whole" budget workshop, which took place on November 17, as well as a special City Council meeting, held on Saturday, November 8.

Mr. Herring provided a performance summary of the FY2014 Capital Improvement Sales Tax Fund. Mr. Herring noted that, in conjunction with a \$30 million bond issue approved by the voters in 1996 for improvements to public rights-of-way, voters also approved a ½ cent sales tax for capital improvements. The Capital Improvement Sales Tax Fund is basically self-sufficient since it is funded from the ½ cent sales tax, approved in 1996, as Propositions "R" and "S." Mr. Herring stated that the City only receives 85% of the total money it gets from the ½ cent sales tax, due to a statutory requirement that the City "share" fifteen (15%) percent of the total with the St. Louis County sales tax pool. Mr. Herring reported that revenues in the Capital Improvement Sales Tax Fund are projected to total approximately \$8,774,820 (0.8% below budget) in FY2014. Expenditures are

expected to total approximately \$7,911,131 (13.0% below budget) in FY2014 and include numerous capital construction projects as well as debt service payments regarding the previously mentioned bond issue, which funded various capital construction projects Citywide. Current projections indicate that ending fund reserves at December 31, 2014 will be \$1,365,179. It should be noted that revenues for the months of October, November and December have not yet been received and could impact the ending fund balance. Transfers out for debt payments on Propositions "R" and "S" are projected to total approximately \$2,013,626.

Mr. Herring explained the impact of grant funds on the FY2014 Budget. Staff, at the request of City Council, is very aggressive in trying to acquire grant funds for major capital improvement projects. The City can obtain significant amounts of money, sometimes as much as 80%, funded by grants. The balance is then paid out of fund reserves. Staff has been very successful, with the support of Council, in acquiring a significant amount of grant funding over the years.

Regarding the proposed FY2015 Budget, Mr. Herring reported that revenues in the Capital Improvement Sales Tax Fund are projected to total approximately \$8,067,252, which includes \$6,365,462 in sales tax and \$1,701,790 in grant funds. Proposed expenditures for FY2015 are \$7,149,021 for capital projects and improvements.

Mr. Herring stated that the passage of Proposition "P", in November 2004, resulted in the creation of a Parks Sales Tax Fund, which funds all parks and recreation activities. The Parks Fund is supported by a ½ cent sales tax and, unlike the General Fund Sales Tax and the Capital Improvement Sales Tax, the City receives 100% of the revenue from this tax. One-sixth of all revenues generated come from City functions such as athletic field fees, aquatic center fees, concessions and amphitheater fees. The Parks Sales Tax Fund pays for things such as the Athletic Complex, Central Park, Family Aquatic Center and Eberwein Dog Park. It also pays for a number of other things such as right-of-way landscaping maintenance as well as maintenance of various pocket parks and repair or replacement of City limit signs as needed. Mr. Herring reported that revenues in the Parks Sales Tax Fund are projected to total approximately \$9,042,922 (0.4% above budget) in FY2014. Total expenditures of \$5,865,850 are projected to finish 1.4% below budget. Debt service payments, during FY2014, totaled \$2,824,981 and reflect savings realized by a City Council-authorized refinancing. Mr. Herring stated that the City is anticipating the Parks Sales Tax Fund Fund Reserves will total \$2,766,329 as of December 31, 2014. The projected reserves are \$399,989 higher than the 40% Fund Reserve Policy established by the City Council.

Mr. Herring stated that sales taxes are projected to increase by 3.0% during FY2015 within the Parks Sales Tax Fund. Total revenue in the Parks Sales Tax Fund is projected to generate approximately \$9,349,033 during FY2015. Expenditures and transfers are projected to total \$8,828,232. Due to COPs refinancing, the Park Sales Tax Fund will save \$719,558 over the life of the debt - \$39,975 annually. The Parks Sales Tax Fund includes the addition of one new full-time position, a Recreation Specialist. A Recreation Manager position will be converted to a Parks Superintendent position to oversee Art and Entertainment. FY2015 capital expenditures in the Parks Sales Tax Fund are projected to

be \$432,600. Mr. Herring stated that the City is anticipating that Parks Sales Tax Fund Fund Reserves will total \$3,287,130, as of December 31, 2014.

Mr. Herring reported that the City is anticipating General Fund revenues for FY2014 will total \$21,635,078 (2.1% above budget). General Fund expenditures and transfers are projected to total \$19,041,645 and \$1,501,300, respectively. Total expenditures are projected to finish 4.1% below budget. During FY2014, City Council approved a planned use of Fund Reserves, above the "40% Policy", to cover a number of one-time expenditures. Those additional expenditures would have reduced the Fund Balance by \$2,222,979; however, due to the better than anticipated performance of the General Fund during calendar year 2014, the actual reduction in Fund Balance is now only projected to total \$996,867. Note: A set-aside of Fund Reserves to cover a debt service payment, scheduled for FY2015 and funding of a partial conversion of our Public Works fleet were both approved by City Council at the November 17 Budget Workshop. Designating funds for a debt service payment will have the ultimate effect of enabling City Council to eliminate the City's \$.03/\$100 property tax rate in 2015.

Mr. Herring reported that the two major sources of General Fund revenues are utility taxes and sales taxes, which represent 35.0% and 31.6% respectively. Mr. Herring reported that General Fund revenues are projected to total \$21,866,718 for FY2015, which includes \$7,651,022 (35.0%) in utility tax, \$6,911,844 (31.6%) in sales tax, and \$4,196,193 (19.2%) in intergovernmental revenues. The remaining revenue is made up of licenses and permits (7.2%), court receipts (5.7%), and other miscellaneous sources (1.3%).

Mr. Herring reported that General Fund expenditures are projected to total \$20,219,416 for FY2015. Mr. Herring stated that the City's two largest areas of operation, Police and Public Services, comprise the majority of all operating expenditures, totaling a combined 82.5% of the proposed budget (excluding transfers out). The Police budget, at \$9,606,474, represents 47.5% of the budget and the Public Services budget, at \$7,066,987, represents 35.0% of the budget. If, however, the total amount budgeted for the Capital Improvement Sales Tax Fund for FY2015 is added to the Public Services budget, the total amount budgeted in support of public infrastructure increases by \$7,149,021, reflecting a total commitment of \$14,216,008. Capital equipment purchases in the General Fund total \$410,067, for the various departments of the City.

Mr. Herring stated that the City maintains General Fund - Fund Reserves of over 40% of the City's operating budget. The General Fund - Fund Reserves balance is projected to increase by \$183,964, to \$13,125,348 as of December 31, 2015 and, when factoring in the amount required to be set-aside, due to the City's "40%" policy, as well as \$1,288,836 which has previously been encumbered for specific purposes, leaves \$3,140,170 available to fund additional projects, as reviewed/approved by City Council, during FY2015 and beyond.

Councilmember Grier complimented the entire Management Team and Mr. Herring for the professional manner with which the City is run and for their commitment to sound fiscal principles in the preparation and management of the City's Annual Operating

Budget. Councilmember Grier also recognized Finance Director Craig White and the entire Finance Department for receiving the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association and noted that Chesterfield is the only city in Missouri to obtain a Aaa bond rating, from Moody's. Mr. Herring expressed his appreciation to the members of the Management Team, and specifically Finance Director Craig White, for their time and effort during the entire budget preparation process.

Mayor Nation thanked City Administrator Mike Herring, Finance Director Craig White, and the members of the Management Team for their hard work on the budget. He stated that we enjoy a strong financial posture, due in large part to staff efforts to live within our means, and Council oversight to ensure that the taxpayer dollars are spent prudently.

Mayor Nation continued by stating that, while generally he is in agreement and supportive of the proposed budget, there are four items he will either be returning for reconsideration or vetoing in accordance with the powers granted him by the revised statutes. The four line items are as follows: the amount budgeted for employee salary increases (reduce from 3% to 2.5%), the amount budgeted for employee holiday gift certificates (reduce from \$200 per employee to no more than \$125 per employee), the amount budgeted for hiring of two additional Police Officers as School Resource Officers (requested more information validating the need for more police officers), and the amount budgeted for hiring and promotion of personnel for arts management (wants to rectify the current situation where an outside organization owns artwork that is located on City property, before providing any significant continued support for arts promotion).

ADJOURNMENT

There being no public discussion or comment, Mayor Nation adjourned the meeting at 7:07 p.m.

Mayor Bob Nation

ATTEST:

Vickie J. Hass, City Clerk



RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT 690 CHESTERFIELD PARKWAY WEST

DECEMBER 1, 2014

The meeting was called to order at 7:15 p.m.

Mayor Bob Nation led everyone in the Pledge of Allegiance and followed with a moment of silent prayer.

A roll call was taken with the following results:

PRESENT

Mayor Bob Nation
Councilmember Barry Flachsbart
Councilmember Nancy Greenwood
Councilmember Derek Grier
Councilmember G. Elliot Grissom
Councilmember Mike Casey
Councilmember Dan Hurt
Councilmember Connie Fults

ABSENT

Councilmember Bruce DeGroot

APPROVAL OF MINUTES

The minutes of the November 17, 2014 City Council meeting were submitted for approval. Councilmember Grissom made a motion, seconded by Councilmember Grier, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Nation announced that Candidate Filing opens on Tuesday, December 16 at 8:00 a.m. here at City Hall.

Mayor Nation also announced that City Hall will be closed at noon on Wednesday, December 24 and all day on December 25 and 26 in observance of the Christmas holiday. City Hall will also be closed on Thursday, January 1 in observance of New Year's Day.

Mayor Nation announced that the next meeting of City Council has been scheduled for Monday, January 5, at 7 p.m.

Mayor Nation recognized Scouts in attendance and invited them to stay after the meeting, to ask any questions they may have.

COMMUNICATIONS AND PETITIONS

Jan Misuraca, 1414 Sycamore Manor Drive, gave a brief update on financial progress towards the Veteran's Honor Park. Ms. Misuraca and her father, Lee Wall, expressed their appreciation for the City's financial support of this project.

Michelle Horak, 271 Glen Hollow Drive, spoke in opposition to Bill No. 3006 (Limiting the Number of Cats/Dogs on Residential Property).

Rhein Dabler, 11920 Westline Industrial Drive, stated he was available to answer questions related to Bill No. 3010 (Approves Lot Split – Chesterfield Blue Valley, Lot 2)

Talya Azar and Ken McManus, representing Parkway Central High School and the Safe and Drug Free Leadership and Teen Voice for Change Youth Coalition, presented Chief Johnson with a Certificate of Appreciation for the City of Chesterfield and the Chesterfield Police Department for participation in medication take-back events.

Maureen McNeill, 33 Arrowhead Estates Lane, spoke in support of Bill No. 3006 (Limiting the Number of Cats/Dogs on Residential Property).

APPOINTMENTS

There were no appointments.

COUNCIL COMMITTEE REPORTS

Public Health & Safety Committee

Councilmember Nancy Greenwood, Chairperson of the Public Health & Safety Committee, reported that Bill No. 3006 (Limiting the Number of Cats/Dogs on

Residential Property) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Greenwood reported that Bill No. 3007 (Prohibits Texting While Operating a Motor Vehicle) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Greenwood reported that Bill No. 3008 (Clarifies Restrictions/Prohibitions Regarding Unlicensed Businesses [Prostitution]) will be considered for adoption under the “Legislation” portion of the agenda.

Finance and Administration Committee

Councilmember Derek Grier, Chairperson of the Finance and Administration Committee, made a motion, seconded by Councilmember Greenwood, to approve Resolution No. 409 (Adopts the FY2015 Budget).

Mayor Nation repeated his intention to veto four items contained within the FY2015 budget, as he discussed during the Public Hearing, held earlier that evening. He stated, however, that he would consider not vetoing these items, if City Council would reconsider the amount budgeted or refer the proposed expenditures to the appropriate Committee of City Council. Specifically, if City Council would consider budgeting only 2.5% for a salary raise pool, rather than the 3% raise pool currently contained within the proposed FY2015 Budget, he would consider not vetoing that item. This percentage reduction would result in a total savings of \$43,458. There was no motion made in support of such a reduction. He then indicated that he would consider not vetoing the amount (\$200/full-time employee/\$45,000 total) contained within the proposed FY2015 Budget, for Holiday grocery certificates, if the amount/certificate were reduced to no more than \$125/full-time employee. There was no motion made in support of such a reduction. Mayor Nation then indicated that he would consider not vetoing the amount (\$102,000) contained within the proposed FY2015 Budget, to fund the addition of two Police Officers, from April – December, 2015, to be assigned to work, during the school year, within elementary schools in Chesterfield, if City Council would refer this proposal to the PH&S Committee, for further discussion/analysis, before these new employees would otherwise be hired, as of April 1, 2015. A motion was made by Councilmember Grissom, 2nd by Councilmember Casey, to refer this matter to the PH&S Committee. A roll call vote was taken, with the following results: AYES: Grier; Grissom, Casey. NAYS: Flachsbert, Greenwood, Hurt, Fults. The motion failed, by a vote of 3-4. Mayor Nation next indicated that he would consider not vetoing the amount (\$100,000) contained within the proposed FY2015 Budget to bring “Public Art” IN HOUSE, if the proposal were referred to the Parks/Recreation Committee of City Council for additional study/analysis, prior to any funds being spent. There was no motion made.

Based upon the original motion, a roll call vote was taken for the passage and approval of Resolution No. 409 with the following results: Ayes – Grissom, Grier, Fults, Hurt,

Flachsbart, Casey and Greenwood. Nays – None. Whereupon Mayor Nation declared Resolution No. 409 passed.

Planning/Public Works Committee

Councilmember Dan Hurt, Chairperson of the Planning/Public Works Committee, reported that Bill No. 3009 (Flood Damage Prevention Ordinance) will be read for the first time under the “Legislation” portion of the agenda.

Councilmember Hurt reported that Bill No. 3010 (Approves a Lot Split – Chesterfield Blue Valley, Lot 2) is scheduled for both first and second reading approval, under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Hurt reported that Bill No. 3011 (Approves a Lot Split – Chesterfield Blue Valley, Lot 4) is scheduled for both first and second reading approval, under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for Thursday, December 4, at 5:30 p.m.

REPORT FROM THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that Staff recently sought bids for design and construction engineering services related to the ultimate reconstruction of the bridge on Schoettler Road, over Creve Coeur Creek. Based upon review of information provided by Public Works Director/City Engineer Jim Eckrich, Mr. Herring joined with him in recommending award of a contract to Burns and McDonnell, in an amount not to exceed \$326,600. Chesterfield’s 20% local match would be \$65,320, funded via the FY2015 Capital Improvement Sales Tax fund. Councilmember Flachsbart made a motion, seconded by Councilmember Hurt, to approve this recommendation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

LEGISLATION

BILL NO. 3006 REGULATES THE MAINTAINING AND KEEPING OF DOGS AND CATS IN OR ON RESIDENTIAL PROPERTY (**SECOND READING; PH&S COMMITTEE RECOMMENDS APPROVAL) (BLUE SHEET AMENDMENT)**)

Councilmember Greenwood made a motion, seconded by Councilmember Flachsbart, for the second reading of Bill No. 3006. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3006 was read for the second time.

Councilmember Greenwood made a motion, seconded by Councilmember Flachsbart, to approve the proposed blue sheet amendment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

A roll call vote was taken for the passage and approval of Bill No. 3006 with the following results: Ayes – Grissom, Greenwood, Hurt, Grier, Casey, Flachsbart and Fults. Nays – None. Whereupon Mayor Nation declared Bill No. 3006 approved, passed it and it became **ORDINANCE NO. 2823.**

BILL NO. 3007 PROHIBITS TEXTING WHILE OPERATING A MOTOR VEHICLE (SECOND READING; PH&S COMMITTEE RECOMMENDS APPROVAL) (BLUE SHEET AMENDMENT)

Councilmember Greenwood made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 3007. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3007 was read for the second time.

Councilmember Greenwood made a motion, seconded by Councilmember Fults, to approve the proposed blue sheet amendment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

A roll call vote was taken for the passage and approval of Bill No. 3007 with the following results: Ayes – Greenwood, Hurt, Flachsbart, Fults, Casey, Grier and Grissom. Nays – None. Whereupon Mayor Nation declared Bill No. 3007 approved, passed it and it became **ORDINANCE NO. 2824.**

BILL NO. 3008 PROHIBITS PROSTITUTION TO INCLUDE THE PATRONIZING OR PROMOTION OF PROSTITUTION (SECOND READING; PH&S COMMITTEE RECOMMENDS APPROVAL) (BLUE SHEET AMENDMENT)

Councilmember Greenwood made a motion, seconded by Councilmember Fults, for the second reading of Bill No. 3008. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3008 was read for the second time.

Councilmember Greenwood made a motion, seconded by Councilmember Flachsbart, to approve the proposed blue sheet amendment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

A roll call vote was taken for the passage and approval of Bill No. 3008 with the following results: Ayes – Grissom, Flachsbart, Fults, Grier, Casey, Hurt and Greenwood. Nays – None. Whereupon Mayor Nation declared Bill No. 3008 approved, passed it and it became **ORDINANCE NO. 2825**.

BILL NO. 3009 REPEALS ORDINANCE 2284 AS EMBODIED IN CHAPTER 14, FLOOD DAMAGE PREVENTION, OF THE CITY CODE AND REPLACES IT WITH A REVISED ARTICLE 05 OF THE CITY OF CHESTERFIELD, MISSOURI UNIFIED DEVELOPMENT CODE AND REPEALS AND AMENDS THE FOLLOWING: ARTICLE 02-05, ARTICLE 02-18.C, ARTICLE 03-02, ARTICLE 03-05, ARTICLE 03-08, ARTICLE 07-05.D, ARTICLE 07-06, ARTICLE 09-03.B, AND ARTICLE 10-12 RELATED TO THE SAME (P.Z. 15-2014, CITY OF CHESTERFIELD UNIFIED DEVELOPMENT CODE UPDATES) **(FIRST READING; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 3009. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3009 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 3010 PROVIDES FOR THE APPROVAL OF A LOT SPLIT FOR CHESTERFIELD BLUE VALLEY LOT 2, FOR A 49.29 ACRE TRACT OF LAND, ZONED “PC”, PLANNED COMMERCIAL DISTRICT, LOCATED NORTH OF OUTLET BOULEVARD, EAST OF ITS INTERSECTION WITH PREMIUM WAY (16W220010) **(FIRST AND SECOND READINGS; DEPT. OF PUBLIC SERVICES RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 3010. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3010 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, for the second reading of Bill No. 3010. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3010 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3010 with the following results: Ayes – Hurt, Grier, Grissom, Casey, Flachsbart, Fults and Greenwood. Nays – None. Whereupon Mayor Nation declared Bill No. 3010 approved, passed it and it became **ORDINANCE NO. 2826**.

BILL NO. 3011 PROVIDES FOR THE APPROVAL OF A LOT SPLIT FOR CHESTERFIELD BLUE VALLEY LOT 4, FOR A 16.645 ACRE

TRACT OF LAND, ZONED "PC", PLANNED COMMERCIAL DISTRICT, LOCATED NORTH OF OLIVE STREET ROAD, WEST OF PREMIUM WAY (17W530190) **(FIRST AND SECOND READINGS; DEPT. OF PUBLIC SERVICES RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 3011. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3011 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, for the second reading of Bill No. 3011. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3011 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3011 with the following results: Ayes – Greenwood, Hurt, Flachsbart, Grier, Fults, Casey and Grissom. Nays – None. Whereupon Mayor Nation declared Bill No. 3011 approved, passed it and it became **ORDINANCE NO. 2827**.

ADJOURNMENT

There being no further business to discuss, Mayor Nation adjourned the meeting at 8:10 p.m.

Mayor Bob Nation

ATTEST:

Vickie J. Hass, City Clerk

PRESENTATION

As detailed in the enclosed MEMO, Chief Johnson will present the "Chesterfield Police Citizen Service Citation" to Ms. SARA SCHREFER, a resident of Chesterfield Village, at Monday's City Council meeting. As Chief Johnson will explain, during his presentation, Ms. Schrefer's quick thinking and action prevented a potentially dangerous situation from occurring.

If you have any questions, please contact either Chief Johnson or me, prior to Monday's meeting.



Chesterfield Police Memorandum



Date: December 9, 2014

To: Mr. Michael Herring

From: Chief Ray Johnson 

RE: January 5, 2015 Council Meeting Agenda Item

The purpose of this memo is to request time on the agenda for the January 5, 2015 Council Meeting.

On Tuesday November 4, 2014, Ms. Sara Schrefer of Chesterfield was at home in her apartment in the Chesterfield Village apartment complex, when she detected a strange odor. After investigating the odor and its origin, she determined that a vehicle or motor was running, creating a hazardous situation for the multiple residences of her complex. She notified 911, and subsequent investigation revealed a running vehicle, and extremely high levels of carbon dioxide in the apartment complex. Thanks to her quick action several apartment occupants were able to be evacuated, without serious injury.

Based on Ms. Schrefer's actions I would like to present her with the Chesterfield Police Citizen Service Citation, at the January 5, 2015 Council meeting. I request that this item be placed on the agenda so I may present her with this award.


12/15/14

APPOINTMENTS

With the concurrence/support of Ward II Councilmembers, Derek Grier and Elliot Grissom, Mayor Nation will officially nominate the following individuals for re-appointment to the Architectural Review Board, at Monday's meeting:

----Matt Adams - Two-year term, expiring 1/2/2017

----Richard Clawson - Two-year term, expiring 1/2/2017

If you have any questions, between now and Monday's City Council meeting, please contact Mayor Nation, Councilmembers Grier and/or Grissom or me.



MEMORANDUM

DATE: December 17, 2014
TO: Michael G. Herring, City Administrator
FROM: Vickie Hass, City Clerk
SUBJECT: Re-Appointments to the Architectural Review Board

Mayor Nation intends to nominate the following individuals for re-appointment at the January 5, 2015 City Council meeting:

Architectural Review Board

Matt Adams (Ward II)
Adams Architectural Associates
P.O. Box 230
Chesterfield, MO 63006-0230
New two-year term expires **1/2/17**

Richard Clawson (Ward II)
ACI Boland
11477 Olde Cabin Road
St. Louis, MO 63141
New two-year term expires **1/2/17**

Vickie Hass
12/18/14

These re-appointments have the support of the applicable ward Councilmembers. Please list these re-appointments on the January 5 City Council agenda.

FINANCE AND ADMINISTRATION COMMITTEE – MAYOR’S VETOES

As you are already aware, Mayor Nation signed **RESOLUTION NO. 409**, which City Council approved/adopted on December 1, 2014. However, Mayor Nation has also officially **VETOED** the following four items, contained within the FY2015 Budget:

1. The FY2015 Budget contains \$200/employee, or a total of \$45,200, for Holiday Grocery Gift Certificates. **The Mayor has VETOED \$100/certificate**, which, if sustained, would generate savings of **\$22,600** for the General Fund.
2. The FY2015 Budget contains a salary pool, based on 3% of all full-time salaries. **The Mayor has VETOED .5% of that amount, leaving 2.5% in the budget.** If sustained, this VETO would generate savings of **\$43,458**, distributed proportionately, among the 3 funds.
3. The FY2015 Budget contains \$102,000 to cover 9 mos. of salary/fringe, associated with hiring TWO NEW POLICE OFFICERS. **The Mayor has VETOED \$51,000 of that amount, leaving \$51,000 in the budget to cover 9 months of expenses associated with hiring ONE NEW POLICE OFFICER.** If sustained, this VETO would generate saving of **\$51,000** for the General Fund.
4. The FY2015 Budget contains \$100,000 to cover the costs of bringing "PUBLIC ART" IN-HOUSE, specifically the promotion of one existing employee to the position of "Supt. of Arts and Entertainment" and hiring a "Recreation Specialist". **The Mayor has VETOED the funds needed to promote the existing employee and to hire the second employee.** If sustained, this would generate savings of **\$59,613**, within the Parks Sales Tax Fund.

As confirmed by City Attorney Rob Heggie and as requested by F&A Committee Chairperson Derek Grier, I will include those four specific VETOED ITEMS on the Jan. 5 City Council AGENDA, under the REPORT OF THE CHAIRPERSON OF THE F&A COMMITTEE, for a possible VETO OVERRIDE. **A vote to OVERRIDE a VETO must receive SIX AFFIRMATIVE VOTES.**

Please contact F&A Chairperson Derek Grier, Mr. Heggie or me, if you have any questions regarding this process.

RESOLUTION # 409

A RESOLUTION ADOPTING THE BUDGET FOR THE CITY OF CHESTERFIELD FOR THE YEAR BEGINNING ON JANUARY 1, 2015 AND ENDING ON DECEMBER 31, 2015

WHEREAS, the City of Chesterfield has adopted an ordinance providing for a fiscal year which begins on January 1 of each year and ends on December 31 of each year, and

WHEREAS, the City of Chesterfield, by ordinance, has directed the City Administrator to prepare a proposed budget, and

WHEREAS, the City has held a public hearing with regard to the adoption of the budget for the year beginning January 1, 2015 and ending December 31, 2015,

NOW THEREFORE BE IT RESOLVED THAT THE CITY OF CHESTERFIELD adopts the attached budget as its budget for the fiscal year beginning January 1, 2015 and ending December 31, 2015.

Passed and adopted this 1st day of December 2014.

Bob Ration

Mayor

APPROVED, EXCEPT AS VETTED BELOW;

Attest:

City Clerk

1. AMOUNT ASSOCIATED WITH HOLIDAY GIFT CERTIFICATES 7 \$100/EMP.
2. AMOUNT ASSOCIATED WITH PERCENT ALLOCATED FOR EMPLOYEE SALARY INCREASES 7 2.5 %
3. AMOUNT ASSOCIATED WITH HIRING OF ADDITIONAL POLICE OFFICERS 7 1 OFFICER.
4. AMOUNT ASSOCIATED WITH PROMOTION AND HIRING OF PERSONNEL FOR ARTS MANAGEMENT.

RECOMMENDATIONS - PLANNING/PUBLIC WORKS (P/PW) COMMITTEE

As detailed in the enclosed MINUTES, prepared by Mike Geisel, Director of Public Services, the P/PW Committee met on Thursday, December 4, 2014. The following is a list of those items, considered by this Committee, which will be reviewed in greater detail, at Monday's meeting:

---- **Bill No. 2998** - Approves Boundary Adjustment Plat - Four Seasons Plaza (**FIRST AND SECOND READINGS**) [**NOTE:** This proposed legislation was held, at the Petitioner's request, at the November 3 City Council meeting]

---- **Bill No. 3009** - P.Z. 15-2014, City of Chesterfield (Unified Development Code; Flood plain updates) (**SECOND READING**)

IIA. Bill No. 3012 - P.Z. 16-2014, City of Chesterfield (Urban Core Updates) (**FIRST READING; GREEN SHEET AMENDMENT**)

---- **Bill No. 3013** – Property Assessed Clean Energy (PACE) Program (**FIRST READING**)

Next Meeting – Thursday, January 8, 2015 (5:30pm)

If you have any questions, please contact Chairperson Dan Hurt, any other member of this Committee, Mr. Geisel or me, prior to Monday's meeting.

MEMORANDUM

✓ MGH
12/21/14



TO: Michael G. Herring, City Administrator
FROM: Mike Geisel, Director of Public Services
SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, December 4, 2014

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, December 4, 2014 in Conference Room 101.

In attendance were: **Chair Dan Hurt** (Ward III), **Councilmember Connie Fults** (Ward IV), **Councilmember Nancy Greenwood** (Ward I), and **Councilmember Elliot Grissom** (Ward II).

Also in attendance were: Libbey Tucker, Community Services/Economic Development Director; Mike Geisel, Director of Public Services; Jim Eckrich, Public Works Director/City Engineer; Aimee Nassif, Planning & Development Services Director; and Kathy Juergens, Recording Secretary.

The meeting was called to order at 5:30 p.m.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the November 6, 2014 Committee Meeting Summary.

Councilmember Greenwood made a motion to approve the Meeting Summary of November 6, 2014. The motion was seconded by Councilmember Fults and passed by a voice vote of 4-0.

* TO BE DISCUSSED AT THE 1/5/15 CITY COUNCIL MTG

II. OLD BUSINESS

- * A. P.Z. 16-2014 City of Chesterfield (Urban Core Updates): An ordinance amending Article 3 Section 03-04.H of the Unified Development Code to amend development criteria and standards to encourage pedestrian connectivity and access within the Urban Core District.

STAFF REPORT

Aimee Nassif, Planning and Development Services Director, stated at the October 23 PPW Committee meeting, Staff was directed to amend the Urban Core District regulations to include language to encourage increased pedestrian connectivity. Upon approval, a Public Hearing was held on November 24 and the Planning Commission voted to approve the draft language with no changes. After the Public Hearing was held, Staff discovered a typo in the draft language and is requesting a Green Sheet Amendment to remove two instances of the word "common" from page 3 under Open Space.

Councilmember Grissom made a motion to forward P.Z. 16-2014 (Urban Core Updates) with a Green Sheet Amendment to City Council with a recommendation to approve. The motion was seconded by Councilmember Fults and passed by a voice vote of 4-0.

Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the January 5, 2015 City Council Meeting. See Bill # 3012

[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on P.Z. 16-2014 (Urban Core Updates).]

III. NEW BUSINESS

* A. Property Assessed Clean Energy Program

STAFF REPORT

Libbey Tucker, Community Services & Economic Development Director, stated this program is similar to other taxing districts that we have locally for TDDs, NIDs and CIDs. The Property Assessed Clean Energy Program (PACE) is a special tax district that operates within the Missouri Clean Energy District. Under the program, municipalities and counties may join the Special Tax District to help commercial and industrial property owners finance energy efficient improvements made to their property. An additional tax assessment is placed on their property for a period of up to 20 years via their annual property tax bills. There is no cost obligation to the City. This merely enables our businesses to participate in the program. Currently, there is a Chesterfield business that would like to utilize the PACE program in early 2015.

DISCUSSION

Chair Hurt asked for clarification on the financing aspect. Mr. Mike Geisel, Director of Public Services, stated that Cambridge Engineering would like to obtain a loan that is guaranteed by the State. The State will then add the value of the loan to Cambridge's annual property tax bill and the County will assess it. Equity companies work through the County to collect the tax even though it is a State program. The proposed ordinance enables Chesterfield businesses to participate in this financing program.

In response to Councilmember Grissom's question, Mr. Geisel stated the County has given every indication that they will collect the tax and Ms. Tucker stated she did verify this. Mr. Geisel further stated Chesterfield approved a similar residential program a few years ago. This simply allows for financing, at no cost to the City, through the State for energy improvements for commercial and industrial properties. Chesterfield will be the fifth city in St. Louis County to participate in the program and 37 states have enacted the program so far.

Councilmember Fults stated it is the same principle as a NID. The loan stays with the property and they have 20 years to repay the loan. If the property is sold before the loan is repaid, the new owner is responsible for payment.

In response to Councilmember Grissom's questions, Ms. Tucker stated there really is no downside to enacting the proposed ordinance as the City will not incur any liability. With regard to why other municipalities have not enacted the program, she stated perhaps they are not aware of it. She also confirmed that the City always has the ability to repeal the ordinance at any time.

Councilmember Fults made a motion to forward to City Council an Ordinance that allows the City of Chesterfield to participate in the Missouri Property Assessed Clean Energy (PACE) program with a recommendation to approve. The motion was seconded by Councilmember Grissom and passed by a voice vote of 4-0.

↳ **Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the January 5, 2015 City Council Meeting. See Bill # 3013**

↳ **[Please see the attached report prepared by Libbey Tucker, Community Services and Economic Development Director, for additional information on the PACE program.]**

B. Road Closures

STAFF REPORT

Mike Geisel, Director of Public Services, stated he has often been asked if the City can legally close an existing public road and still maintain it as a roadway. That question is different from the question of whether the City has the ability to vacate a public road and not maintain it for public purposes. In a discussion with City Attorney, Rob Heggie, Mr. Heggie indicated this was a very complicated legal issue and would require further investigation. Staff cannot initiate that investigation without concurrence by a majority of the Committee. Therefore, Staff is asking for authorization to initiate a legal opinion on whether or not the City can close a public road while maintaining it as a roadway and what would the impact be to such a closure. This question has a specific application but would be investigated as a generic question.

Chair Hurt recalled that legal ramifications were discussed in the early 1990s by former City Attorney, Mr. Beech, regarding the closure of Clover Ridge and concurred that it can be reviewed again.

Councilmember Greenwood made a motion to direct Staff to perform a legal review on closing an existing public road. The motion was seconded by Chair Hurt.

DISCUSSION

Several residents from River Bend Estates were present for the meeting and Chair Hurt asked River Bend Estates trustee Ms. Barb McGuinness to speak for the residents. Ms. McGuinness expressed concern about a development the City of Maryland Heights is considering whereby the only easy access to this proposed development is through River Valley Drive. The Maryland Heights Expressway and the Page extension have considerably lessened the traffic on River Valley Drive and the residents do not want to again endure an increase in traffic volume. There is a school on this street, there are a lot of walkers, and the street has no shoulder. The street really is meant to serve the neighborhood only. The residents would prefer to have River Valley closed off.

The City of Maryland Heights is currently landlocked and the only place left to build is in the River Valley sub district. Chair Hurt asked if Maryland Heights has already approved the development. Ms. McGuinness stated no, they have to amend their comprehensive plan, which currently prohibits residential development in the River Valley sub district, to allow for this development. The development is on 210 acres with a proposal for 1,000 homes and 210,000 square feet of commercial. Another resident stated that a Maryland Heights engineer estimates

there will be over 12,000 trips a day through River Valley Drive with 80% of those trips occurring between 7 a.m. and 9 p.m. This averages out to one car every six seconds on River Valley Drive.

In response to Chair Hurt's question, Mr. Geisel stated that Mr. Heggie is prepared to move forward with the investigation but he did not know how long it would take to complete.

In response to Councilmember Fults' question, Mr. Geisel explained the difference between terminating a public road that continues to be used as a road versus vacating a public road that will no longer be used. Vacating our interest is a different legal process than simply saying we are going to block off the roadway even though we are still going to use it as a roadway.

The above motion **passed by a voice vote of 4-0.**

IV. OTHER – None.

V. ADJOURNMENT

The meeting adjourned at 5:50 p.m.

City Council Memorandum Department of Public Services



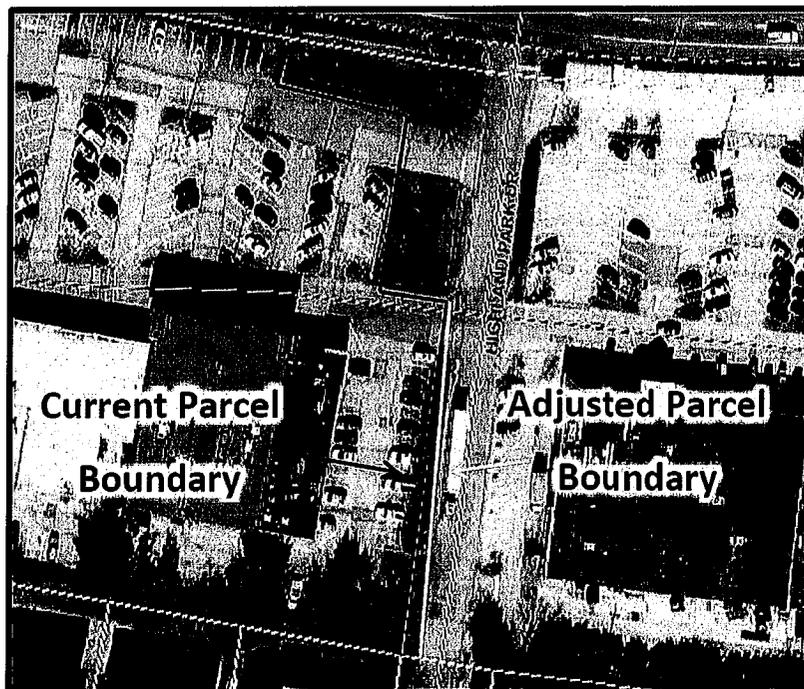
To: Michael Herring, City Administrator
From: Aimee Nassif, Planning and Development Services Director
Date: December 19, 2014
CC Date: January 5, 2015

RE: Four Seasons Plaza, Boundary Adjustment Plat: A Boundary Adjustment Plat for Four Seasons Plaza for a 16.26 acre tract of land zoned "C-2" Shopping District and "PC" Planned Commercial District located south of Olive Boulevard west of Woods Mill Road (16Q220719, 16Q210763, and 16Q220690).

DosterUllom LLC., on behalf of Caplaco Seven, Inc. and Dierbergs Four Seasons, Inc., has submitted a request for a Boundary Adjustment Plat for the Four Seasons Plaza shopping center located on the south side of Olive Boulevard and west of Woods Mill Road. This project was held at the Petitioner's request at the September 15, October 6, and November 3, 2014 City Council meetings.

The purpose of the Boundary Adjustment is to consolidate a 0.04 acre portion of Original Adjusted Lot 1 with Original Adjusted Lot 2. This small portion of Original Lot 1 consists of a sliver of the landscape island and internal drive area that serves Original Adjusted Lot 2 but falls within the boundary line of Original Adjusted Lot 1, as shown in the image below.

Attached to the legislation, please find a copy of the Boundary Adjustment Plat.



SEE BILL #
2998
✓MBH
12/20/14

City Council Memorandum

Department of Public Services



To: Michael Herring, City Administrator
From: Aimee Nassif, Planning and Development Services Director
Date: December 19, 2014
CC Date: January 5, 2015
RE: **P.Z. 16-2014 City of Chesterfield (Urban Core Updates)**

At the October 23, 2014 Planning and Public Works Committee meeting Staff was directed to amend the Urban Core District regulations contained within Article 3 of the UDC in order to include language to encourage increased pedestrian connectivity.

A Public Hearing and vote by the Planning Commission was held on November 24, 2014. After a staff presentation and questions from the Commissioners, the Planning Commission recommended approval of the draft language with no changes by a vote of 9-0.

Subsequently, this project was presented at the December 4, 2014 Planning and Public Works Committee where it was approved, 4-0, with a Green Sheet Amendment to be prepared by Staff to remove two instances of the word "common" from Article 03-04.H.4.(b).4 (page 3).

Attached to this report please find the Legislation, Green Sheet Amendment, and Draft Attachment A.

SEE BILL # 3012

*✓ MGH
12/20/14*

M E M O



DATE: November 22, 2014

TO: Mike Herring, City Administrator

FROM: Libbey Tucker
Community Services & Economic Development Director

RE: Property Assessed Clean Energy (PACE) Program

This memo is to request that City Council move forward with an enabling ordinance allowing Chesterfield businesses to participate in Missouri's Property Assessed Clean Energy (PACE) program. Missouri's Clean Energy District was formed in January of 2011. The district operates as a political subdivision following the enactment of the PACE Act of Missouri (HB 1692) during the 2010 legislative session. Under the program, municipalities and counties may join the Special Tax District to help property owners finance energy retrofits by allowing an owner to place an additional tax assessment on their property. Property owners (commercial, industrial, multi-family, public facilities) who invest in energy efficiency measures and renewable energy systems repay these assessments over a period of up to 20 years via additional annual payments on their property tax bills.

The three primary objectives of the PACE financing program are: (1) encourage energy efficiency in buildings to reduce greenhouse gas emissions, (2) reduce energy costs and promote utility savings for building owners, and (3) foster green jobs and boost local employment opportunities. Some of the many eligible projects include energy efficiency measures, high efficiency lighting, roofs, heating ventilation air conditioning (HVAC) upgrades and controls, boilers, furnaces and water heating systems, as well as renewable energy systems such as solar PV panels and fuel cells. **There is a business within Chesterfield, Cambridge Engineering, who would like to utilize the PACE program in early 2015 to help finance such upgrades to their facility.**

In addition to low interest rates, PACE financing has several distinct advantages over traditional loans:

- PACE loan stays with the property upon sale, transferring to the new owner
- Commercial property owners may pass payments through to tenants
- Borrowing capacity is preserved through off-balance-sheet financing
- See more at: <http://pacenow.org/resources/all-programs/#Missouri>

Chesterfield would be the fifth City in the County to join the statewide initiative, as Charlack, Ferguson, Olivette, and Hazelwood participate as well. The City of St. Louis created their own district and administers it themselves, whereas **the Missouri Clean Energy District would administer ours at no cost or obligation to the City.** This is merely enabling legislation for our businesses to participate in the program. If, in the future, the City wished to opt-out of the PACE program administered by the Missouri

Clean Energy District and/or join a different PACE program (for example, a PACE program implemented by St. Louis County), the City could amend this enabling legislation accordingly. The Ordinance also requests that the person in the position of Director of Public Services, currently Mike Geisel, be approved by the Board of Directors of the District, as an advisory board member of District. Each City that adopts the ordinance has this opportunity.

Attached is the proposed ordinance, as reviewed and approved by Armstrong Teasdale, and I am requesting that this item be placed on the December 4 Planning & Public Works Committee Agenda in order to be able to proceed to help meet the request of Cambridge Engineering to be able to utilize the program. Please let me know if there is information that needs clarification.

Attachment: PACE Enabling Ordinance

*ohid
JMM
11/26/14*
→ FORWARD TO
P/PW COMMITTEE

*SEE BILL # 3013
✓MBH
12/20/14*

From: Mike Geisel
Sent: 11/30/2014 9:39 AM
To: Michael Herring
Cc: Robert Heggie; Robert Klahr
Subject: RE: PACE Memo & Ordinance - CONFIDENTIAL!!!

There is a much more robust list of participating communities statewide. I've checked the MCeD website and it appears very supportive and consistent with Libbey's Description.

Excerpted from site: MCED or Missouri Clean Energy District was authorized by the state legislature in 2010. The district is a state-wide political subdivision which welcomes all local municipalities and counties as members. Property owners in member communities and counties may apply for PACE financing for energy-saving upgrades and retrofits to their property. There is no membership cost to local governments and no risk, because no public funds are used for financing. However, the entire program does receive governmental oversight. Missouri Clean Energy Funding, LLC has been designated to interact with local district members to review applications, arrange funding, and provide program administration.

While some discussion is necessary, I see no reason why we would delay or defer action. I do not see any risk here. This is simply adding a capability without any economic risk to the City.

✓ MGH
11/30/14

LEGISLATION

BILL NO. 3009 – REPEALS ORDINANCE 2284 AS EMBODIED IN CHAPTER 14, FLOOD DAMAGE PREVENTION, OF THE CITY CODE AND REPLACES IT WITH A REVISED ARTICLE 05 OF THE CITY OF CHESTERFIELD, MISSOURI UNIFIED DEVELOPMENT CODE AND REPEALS AND AMENDS THE FOLLOWING: ARTICLE 02-05, ARTICLE 02-18.C, ARTICLE 03-02, ARTICLE 03-05, ARTICLE 03-08, ARTICLE 07-05.D, ARTICLE 07-06, ARTICLE 09-03.B, AND ARTICLE 10-12 RELATED TO THE SAME (P.Z. 15-2014, CITY OF CHESTERFIELD UNIFIED DEVELOPMENT CODE UPDATES) (**SECOND READING; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

BILL NO. 3013 – AUTHORIZING THE CITY OF CHESTERFIELD, MISSOURI TO JOIN THE MISSOURI CLEAN ENERGY DISTRICT PURSUANT TO SECTIONS 67.2800 TO 67.2835, INCLUSIVE, RSMO., THE “PROPERTY ASSESSED CLEAN ENERGY ACT,” AND STATING THE TERMS UNDER WHICH THE CITY WILL CONDUCT ACTIVITIES WITHIN THE CITY AS A MEMBER OF SUCH DISTRICT; REQUESTING APPOINTMENT TO THE DISTRICT’S ADVISORY BOARD; DISCLAIMING ANY NEED FOR APPROPRIATION; AND DIRECTING THE CITY CLERK TO SEND A CERTIFIED COPY OF THIS ORDINANCE TO THE BOARD OF DIRECTORS OF THE DISTRICT. (**FIRST READING; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

BILL NO. 3009

ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCE 2284 AS EMBODIED IN CHAPTER 14, FLOOD DAMAGE PREVENTION, OF THE CITY CODE AND REPLACING IT WITH A REVISED ARTICLE 05 OF THE CITY OF CHESTERFIELD, MISSOURI UNIFIED DEVELOPMENT CODE AND REPEALING AND AMENDING THE FOLLOWING: ARTICLE 02-05, ARTICLE 02-18.C, ARTICLE 03-02, ARTICLE 03-05, ARTICLE 03-08, ARTICLE 07-05.D, ARTICLE 07-06, ARTICLE 09-03.B, AND ARTICLE 10-12 RELATED TO THE SAME (P.Z. 15-2014 CITY OF CHESTERFIELD-UNIFIED DEVELOPMENT CODE UPDATES).

WHEREAS, the City of Chesterfield is responsible under Chapter 89 RSMo for adoption of regulations designed to promote the public health, safety and general welfare of its citizenry and has been designated by the Federal Emergency Management Agency as the local floodplain administrator; and

WHEREAS, the City of Chesterfield is obligated to institute and enforce requirements that meet or exceed minimum standards set by the National Flood Insurance Program (NFIP), which are designed to minimize damage and losses from floods, in order for property owners in the City of Chesterfield to be eligible to purchase flood insurance under the NFIP; and

WHEREAS, the Federal Emergency Management Agency has issued new Flood Insurance Rate Maps which more accurately reflect Special Flood Hazard Areas; and

WHEREAS, in conjunction with these FEMA mandated updates, subsequent updates to various Articles within the Unified Development Code were also necessary; and

WHEREAS, a Public Hearing was held before the Planning Commission on November 24, 2014 at which time City residents were afforded the opportunity to comment on the new Flood Insurance Rate Maps; and

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

WHEREAS, the Planning and Public Works Committee, having considered said request, recommended approval; and,

WHEREAS, the City Council, having considered said request, recommended approval of the updates to Article 02, Article 03, Article 05, Article 07, Article 09, and Article 10.

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

Section 1. The City of Chesterfield hereby repeals Chapter 14 of the City Code and Article 05 of the Unified Development Code in its entirety and replaces it with a new Article 05 as set out in Attachment "A" which is attached hereto and made part thereof.

Section 2. The City of Chesterfield hereby repeals Article 02-18.C, Article 07-05.D, Article 07-06 and Article 09-03.B and incorporates said requirements into the new Article 05 as set out in Attachment "A" which is attached hereto and made part thereof; and includes new language amending Article 02-05, and Article 10-12 as set out in Attachment "B" which is attached hereto and made part thereof.

Section 3. The City of Chesterfield hereby amends Article 03-02, Article 03-05, and Article 03-08 and replaces with new language as set out in Attachment "C" which is attached hereto and made part thereof.

Section 4. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as whole, or any part thereof.

Section 5. The provisions of the Ordinance may be amended in the future by the City Council of the City of Chesterfield, after notice and hearing as provided by law.

Section 6. Where this Ordinance differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State, or Federal government, the more restrictive or protective of the City and the public shall apply.

Section 7. The City Council, pursuant to the petition filed by the City of Chesterfield in P.Z. 15-2014, requesting amendments embodied in this Ordinance and pursuant to the recommendations of the City of Chesterfield Planning Commission, Planning and Public Works Committee and City Council that said petition be granted and after public hearing, held by the Planning Commission on the 24th day of November, 2014, 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 8. This Ordinance shall be codified within the Municipal Code of the City of Chesterfield.

Section 9. This Ordinance shall take effect immediately upon its publication, pursuant to applicable legal and procedural requirements.

Section 10. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2014.

MAYOR

ATTEST:

CITY CLERK

First Reading Held: <u>December 1, 2014</u>

Attachment A

Sec. 05-01. GENERAL

A. Statutory Authorization.

The legislature of the State of Missouri has in RSMo ch. 89 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the City Council of the City of Chesterfield, Missouri, does ordain as follows in this Article.

B. Findings of Fact.

1. The flood hazard areas of the City are subject to periodic inundation, which result in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas of uses vulnerable to floods or hazards to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damage.

C. Statement of Purpose.

It is the purpose of this Article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money for costly control projects;
3. To minimize the need of rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electrical, telephone and sewer lines, streets and bridges located in floodplains;

6. To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas;
7. To ensure that potential home buyers are notified that property is in a flood area; and
8. To ensure that those who occupy the special flood hazard areas assume responsibility for their actions.

D. Methods of Reducing Flood Losses.

In order to accomplish its purposes, this Article includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion or to flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Controlling filling, grading, dredging, and other development which may increase erosion or flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodway waters or which may increase flood hazards in other areas.

E. Lands to which This Article Applies.

This Article shall apply to all lands within the jurisdiction of the City of Chesterfield identified as numbered and unnumbered A zones, AE, AO, and AH Zones, on the Flood Insurance Rate Map (FIRM) for St. Louis County on map panels 29189C0135K, 29189C0145K, 29189C0160K, 29189C0163K, 29189C0164K, 29189C0165K, 29189C0170K, 29189C0178K, 29189C0186K, 29189C0188K, 29189C0277K, 29189C0281K, and 29189C0282K as amended, and any future revisions thereto. In all areas covered by this Article, no development shall be permitted except through the issuance of a floodplain development permit, granted by the City Council or its duly designated representative under such safeguards and restrictions as the City Council or its duly designated representative may reasonably impose for the promotion and

maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Section 05-03.

This Article shall also apply to areas of 100 year high water in the Chesterfield Valley, and the Supplemental Protection Area within the jurisdiction of the City of Chesterfield

F. Methods Used to Analyze Flood Hazards.

The Flood Insurance Study (FIS) that is the basis of this Article uses a standard engineering method of analyzing flood hazards which consists of interrelated steps:

1. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this ordinance is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this Article. It is the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal insurance Administrator's FIS, and illustrative materials for St. Louis County dated February 4, 2015 as amended, and any future revisions thereto.
2. Calculation of water surface profiles is based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
3. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
4. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
5. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

The current version of the Chesterfield Valley Master Stormwater Plan Model is hereby adopted by reference and declared to be part of this Article. Both the Flood Insurance Study and the Chesterfield Valley Master Stormwater Plan Model are on file at the City of Chesterfield City Hall.

In areas where both the special flood hazard area data and the Chesterfield Valley Master Stormwater Plan data apply, the higher of the

base flood elevation or the 100 year high water elevation in Chesterfield Valley shall be used.

The supplemental protection area is a 200-foot area immediately adjacent to the special flood hazard area or 100-year high water area in the Chesterfield Valley which is hereby created to enhance the purposes of this Article, as stated in Section 05-01.C., by putting in place requirements to reduce the flood damage risk on those properties immediately adjacent to the special flood hazard areas. The requirements associated with this zone are intended to protect structures, principally those on properties that have been elevated by the placement of fill, against subsurface flood conditions and flooding from events that exceed the base flood elevation.

G. Penalties for Non-Compliance.

See Article 08 of this Unified Development Code (UDC) for enforcement and penalties.

H. Abrogation and Greater Restrictions.

This Article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

I. Interpretation.

In the interpretation and application of this Article, all provisions shall be (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and (3) deemed neither to limit or repeal any other powers granted under State statutes.

J. Warning and Disclaimer of Liability.

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City of Chesterfield or by any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

K. Non-conforming Use.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of the chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:
 - a.) If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this chapter.
 - b.) Uses or adjuncts thereof which are or become nuisances, shall not be entitled to continue as nonconforming uses.
 - c.) No such structure shall be expanded, changed, enlarged or altered in a way which increases its nonconformity.
2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred unless it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historical places or a State Inventory of Historical Places.

L. Amendments.

1. The regulations, restrictions and boundaries set forth in this Article may from time to time be amended, supplemented, changed or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a Public Hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Chesterfield.
2. At least twenty (20) days shall elapse between the date of said publication and the Public Hearing. A copy of such amendments will be provided to the FEMA. The regulations of this Article are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations.

Sec. 05-02. ADMINISTRATION

A. Establishment of a Development Permit.

A development permit shall be obtained before construction or development begins, including the placement of manufactured homes, within any special flood hazard area or supplemental protection area established in Section 05-01.F. No person, firm, or corporation or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining separate permits for each development as defined in Article 10 of this UDC. Application for a development permit shall be made on forms furnished by the Director of Public Services (the Director) and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lower floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any non-residential structure is to be floodproofed;
3. Certification from a registered professional engineer or architect that the non-residential floodproofed structure will meet the floodproofing criteria in Section 05-03.C.; and
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Designation of the Local Administrator.

The Director or his designee is hereby appointed to administer and implement the provisions of this Article, by granting or denying development permit applications in accordance with its provisions.

C. Duties and Responsibilities of the Director.

Duties of the Director shall include, but not be limited to:

1. Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this Article have been satisfied;
2. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State

or local governmental agencies from which prior approval is required by Federal, State, or local law;

3. When base flood elevation data has not been provided in accordance with Section 05-01.F., then the Director shall obtain, review and reasonably utilize any base flood elevation or floodway data available from a Federal, State or other source, in order to administer the provisions of this Article.
4. Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
5. Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which the new or substantially improved non-residential structures have been floodproofed.
6. When floodproofing is utilized for a particular non-residential structure, the Director shall obtain certification from a registered professional engineer or architect.
7. Notify adjacent communities and the Missouri State Emergency Management Agency (MO SEMA) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
8. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
9. Where interpretation is needed as to the exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Director shall make the necessary interpretations. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Section.
10. Serve notices of violation, issue stop work orders, revoke permits, and take corrective actions necessary to achieve compliance with Section 05-03.

D. Variance Procedures.

1. The Board of Adjustment as established by the City of Chesterfield shall hear and decide appeals and requests for variances from the requirements of this chapter.

2. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Director of Public Services in the enforcement or administration of this chapter.
3. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Circuit Court of St. Louis County as provided in RSMo ch. 89.
4. In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other Sections of this chapter, and:
 - a.) The danger that materials may be swept onto other lands to the injury of others;
 - b.) The danger to life and property due to flooding or erosion damage;
 - c.) The susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d.) The importance of the services provided by the proposed facility to the community;
 - e.) The necessity to the facility to a waterfront location, where applicable;
 - f.) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g.) The compatibility of the proposed use with existing and anticipated development;
 - h.) The relationship of the proposed use with existing and anticipated development;
 - i.) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j.) The expected height, velocity, duration, rate of rise and sediment transport of the flow waters and the effects of wave action, if applicable, expected at the site; and
 - k.) The costs of providing governmental services during and after flood conditions including maintenance and repair of

public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

E. Conditions for Variances.

1. Generally, variances may be issued for a new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing paragraphs 2 through 6 below, have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historical Places or the State Inventory of Historical Places, without regard to the procedures set forth in the remainder of this Section.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - a.) A showing of good and sufficient cause;
 - b.) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c.) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, or will not create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
6. Any Applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Sec. 05-03. PROVISION FOR FLOOD REDUCTION

A. General Standards.

1. In all special flood hazard areas (Zones A, AE, A1-30, AO, AH) the following provisions are required:
 - a.) All new construction, including manufactured homes and substantial improvements, shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - b.) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
 - c.) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - d.) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - e.) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - f.) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - g.) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 - h.) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.
 - i.) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly

anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

- j.) That until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 and AE on the City's FIRM unless the Applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one (1) foot on the average cross section of the reach in which the development or landfill is located as shown on the flood insurance rate study incorporated by reference; Section 05-01.F. of this Article.

- 2. All new construction and substantial improvements located within the supplemental protection area, as defined in Article 10 of this UDC, shall comply with the requirements of Section 05-03.C. of this Article.

B. Standards for Subdivision Proposals.

All subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. Any such subdivision proposal shall:

- 1. Minimize flood damage;
- 2. Include public utilities and facilities which are constructed so as to minimize flood damage;
- 3. Ensure adequate drainage is provided;
- 4. Include base flood elevations for any proposal which exceeds 50 lots or five acres.

C. Specific Standards.

In all supplemental protection areas and special flood hazard areas where base flood elevation data has been provided as set forth in Section 05-01.F. or Section 05-02.C.3., (Zones A1-30, AE and AH) the following provisions are required:

- 1. *Residential construction in special flood hazard areas outside the Chesterfield Valley.* New construction or substantial improvement of any residential structure shall have the lowest floor, including

basement, elevated to a minimum of two (2) feet above the base flood elevation.

2. *Residential construction in special flood hazard areas inside the Chesterfield Valley.* New construction or substantial improvement of any residential structure shall have the lowest floor elevated to a minimum of one (1) foot above both the base flood elevation and 100-year high water elevation in the Chesterfield Valley as indicated in Section 05-01.F.
3. *Non-residential construction in special flood hazard areas outside the Chesterfield Valley.* New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to a minimum of two (2) feet above the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 05-02.C.6.
4. *Non-residential construction in special flood hazard areas inside the Chesterfield Valley.* New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor elevated to a minimum of one (1) foot above both the level of the base flood elevation or 100-year high water elevation in the Chesterfield Valley as indicated in Section 05-01.F., or together with the attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 05-02.C.6.
5. *Residential and non-residential construction in special flood hazard areas outside the Chesterfield Valley and within the supplemental protection area.* New construction of any residential or non-residential structure shall meet the following requirements:

Table 1 – Supplemental Protection Area Requirements (outside Chesterfield Valley)

Distance from the SFHA Boundary to Structure (Feet)	Minimum Residential Lowest Floor/Sill Elevation*	Minimum Non-residential Lowest Sill or Lowest Floor/Floodproofing Elevation*
0 – 49.99	lowest floor 2 feet above BFE**	lowest floor 2 feet above BFE
50 – 99.99	lowest sill 2 feet above BFE	lowest sill 2 feet above BFE
100 – 200	lowest sill 1 foot above BFE	lowest sill 1 foot above BFE

* Including basement

** Lowest floor of proposed structures in subdivisions for which improvements plans were approved after October 1, 2005 and before February 28, 2006 shall be at least one (1) foot above the BFE.

Structures which existed in the supplemental protection area, and were lawful prior to the passage of the above listed requirements, shall be allowed to remain inasmuch as the structure remains unchanged. At such time that a non-conforming structure is razed or an addition added to the structure, the new construction or addition must meet the requirements of this Section.

6. *Residential and non-residential construction in areas inside the Chesterfield Valley and within the supplemental protection area.* New construction of any residential or non-residential structure shall meet the following requirements:

Table 2 – Supplemental Protection Area Requirements (inside Chesterfield Valley)

Distance from the SFHA Boundary or 100-Year High Water to Structure (Feet)	Minimum Residential Lowest Floor Elevation	Minimum Non-residential Lowest Floor or Floodproofing Elevation
0 - 200	1 foot above BFE or 100-Year High Water	1 foot above BFE or 100-Year High Water

7. *All new construction and substantial improvements in the special flood hazard area.* Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of

enclosed area subject to flooding shall be provided. The bottom of all openings shall be higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

8. *Manufactured homes.*

a.) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with State and local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

- (1) Over-the-top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring an additional tie per side;
- (2) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four (4) additional ties per side;
- (3) All components of the anchoring system be capable of carrying a force of 4,800 pounds;
- (4) Any additions to the manufactured home be similarly anchored.

b.) Require that all manufactured homes within Zones A1-30, AH and AE on the community's FIRM, be elevated on a permanent foundation such that the lowest floor of the manufactured home is a minimum of one (1) foot above the base flood elevations. The manufactured home chassis shall be supported by reinforcing piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and shall be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement, in accordance with the provisions of Section 05-02.C.

9. *Recreational vehicles.* Require that recreational vehicles placed on sites within the identified floodplain on the community's FIRM either:

a.) Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use,*

OR

b.) Meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this Article.

* A recreational vehicle is ready for highway use if it is on its wheels or jacking system is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

10. *Roadways.* All roadways within and adjacent to the special flood hazard areas shall be constructed at least one (1) foot above the base flood elevation or 100-year high water elevation in the Chesterfield Valley as indicated in Section 05-01.F. This requirement is only applicable to roadways constructed after the passage of these requirements. Repairs and improvements to roadways which were existing prior to passage of the above listed requirements shall not be required to adhere to the requirements of this Section.

D. Floodways.

Located within special flood hazard areas established in Section 05-01.F., are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply.

1. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
2. If Section 05-03.D.1. is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 05-03.

3. In Zone A unnumbered, obtain, review and reasonably utilize any floodway data available through Federal, State and other sources in meeting the standards of this Article.

E. Areas of Shallow Flooding (AO and AH Zones).

Located within the special flood hazard areas established in Section 05-01.F., are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. Within AO Zones.
 - a.) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one (1) foot more than the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).
 - b.) All new construction and substantial improvements of non-residential structures shall:
 - (1) Have the lowest floor (including basement) elevated above the adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified), or
 - (2) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c.) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
 - d.) The anchoring requirements for manufactured homes as established in Section 05-03.C. shall be required.

2. Within AH Zone.
 - a.) The specific standards for all special flood hazard areas where base flood elevation data has been provided shall be required as set forth in Section 05-03.C.
 - b.) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

F. Proof of Compliance.

1. Certification of compliance from the Director is required after completion of work related to a development permit. In no case shall any structure be inhabited or occupied for use prior to such time as an elevation certificate has been submitted to and approved by the Department.
2. Penalties for violation of this requirement are listed in Article 08 of this UDC.

Sec. 05-04. DEFINITIONS

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

100-year high water elevation in the Chesterfield Valley - Refers to the flood elevations throughout the Chesterfield Valley for a 100-year rainfall event as determined by the current version of the Chesterfield Valley Master Storm Water Plan Model.

Actuarial or risk premium rates - Those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Act and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.

Appeal - A request for a review of the Director of Public Services.

Area of shallow flooding - A designated AO or AH zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) - The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in feet above mean seal level (MSL). This elevation is used for regulatory purposes in this chapter.

Basement - Any area of the structure having its floor below ground level on all sides.

Chesterfield Valley - The area roughly bounded by the Missouri River on the north, Eatherton Road on the west, the Missouri Central Railroad on the south, and Bonhomme Creek on the East. Most of this area is encompassed by the Monarch-Chesterfield levee system:

Development - Any manmade change to improve or unimproved real estates including, but not limited to, building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operation.

Existing construction - (for the purposes of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the City of Chesterfield.

Expansion to an Existing Manufactured Home Park or Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual or rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map (FIRM) - An official map of a community on which the flood insurance study has delineated the flood hazard boundaries and the zones establishing insurance rates applicable to the community.

Flood insurance study - The official report provided by the Federal Emergency Management Agency. The report contains flood profile as well as the flood boundary/floodway map and the water surface elevation of the base flood.

Floodway or regulatory floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway fringe - That area of the floodplain, outside of the floodway, that on the average is likely to be flooded once ever one hundred (100) years (i.e., that has a one percent chance of flood occurrence in any one year).

Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Free board tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated from a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

Highest adjacent grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure - Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance or a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a.) By an approved State program as determined by the Secretary of the Interior; or
 - b.) Directly by the Secretary of the Interior in States without approved programs.

Lowest floor - The lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in Section 14-33 for enclosures below the lowest floor.

Lowest sill - The member forming the lowest side of an opening by which surface water may enter a structure (e.g., window sill, door sill, etc.).

Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured home park or subdivision - A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Market value of a structure - The established value of the existing structure, as determined by the St. Louis County Department of Revenue for taxing purposes, prior to any improvements are made or prior to any flooding condition. The value of any land shall not be included in the value of the structure.

New construction - Structures for which the "start of construction" or substantial improvement is commenced on or after the effective date of the FIRM.

New Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for serving the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the City of Chesterfield.

Recreational vehicle - A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck;
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Roadway - Pavement designed and installed for the purpose of conveying vehicular traffic with the intent of providing access to legal land divisions. For the purpose of this chapter, the term roadway does not refer to private driveway and parking areas.

Special flood hazard area - The land in the floodplain subject to a one percent or greater chance of flooding in any given year.

Start of construction - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act [Pub. L. 97-3481]), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eight (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure - A walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, 1) before the improvement or repair is started, or 2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either, 1) any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications, or 2) any alteration of a structure listed on the National Register of Historical Places or a State Inventory of Historical Places.

Supplemental protection area - Land located outside the special flood hazard area and within two hundred (200) feet of the special flood hazard area boundary or 100-year high water elevation in the Chesterfield Valley as indicated in Section 14-7.

Variance - A grant of relief to a person from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

Violation - The failure of a structure or other development to be fully compliant with the City of Chesterfield's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

Attachment B

SEC. 02-05 FLOOD PLAIN "FP" OVERLAY DISTRICT USE AND DEVELOPMENT

A. Use and Development of Floodway.

All development or use of the floodway is prohibited involving any encroachment, including fill, new construction or material improvement of any existing structure unless certification by a registered professional engineer is provided to and approved by the Department that the development will not result in any increase in flood levels during occurrence of the base flood discharge. If and only if this subsection is complied with, use or development of the floodway may be carried out subject to the restrictions of the remainder of this Section.

B. Use and Development in the "FP" Overlay District.

No use or development in this district shall increase the flooding problems of other properties. Prior to any use or development of property pursuant to the permitted or conditional uses designated in this district, if such use or development involves manmade change to real property below the flood elevation, including construction or erection of any building or structure, or any filling, grading, paving, mining, dredging, excavation or drilling, the following procedure shall be complied with:

1. The property owner or user shall submit to the City of Chesterfield a development plan. The plan shall be approved if it demonstrates that its implementation will not increase the flooding problems of other properties. With respect to any stream for which a floodway has not been designated, the flooding problems of other properties will be deemed increased if implementation of the plan would decrease the water storage or conveyance capacity of the stream.
2. The plan shall include a report by a registered professional engineer of demonstrated competence in hydrology as to the adequacy of the proposed plan to avoid flooding problems of other properties and such other hydrologic problems as may result from the improvements. Where the plan only delineates the floodplain elevation on the ground and no change or construction is proposed involving land below the floodplain elevation, the plan may be submitted under the seal of a registered land surveyor.
3. The City of Chesterfield may require such additional data or engineering studies from the applicant as may be necessary to determine the adequacy of the proposed plan.

C. Use and Development under Underlying District Regulations.

Property in this district may be used and developed in accordance with the regulations of the underlying zoning upon compliance with Article 5 of this UDC and the following procedure:

1. The property is placed in such conditions as to effectively and without increasing the flooding problems of other properties, remove the property from flooding based on the flood elevation study approved by the United States Federal Emergency Management Agency (FEMA) and used as basic data for determining the boundaries of the Flood Hazard Boundary Map, being the "FP" Floodplain District as governed by this Section. Effective removal of the property from flooding requires provision of adequate freeboard as determined by the City of Chesterfield in light of the reasonably anticipated ultimate development of the watershed. If the standards required by this subsection are satisfactorily met in respect to any lot or tract of land in the "FP" Floodplain District, the property may then be used for such uses and under such regulations as are contained in the district regulations of the district designated after the "FP" code designation as the underlying district for the particular property.
 - a.) The property owner or user shall submit to the City of Chesterfield a plan for flood protection. The plan shall be approved if its implementation would adequately protect against the amount of water that would flow past the property in cubic feet per second during the base flood, as determined by the flood elevation study approved by FEMA and used as basic data for determining the boundaries of the Flood Insurance Rate Map and the Flood Hazard Boundary Map, and if the plan further demonstrates that its implementation will not increase the flooding problems of other properties. With respect to any stream for which a floodway has not been designated, the flooding problems of other properties will be deemed increased if implementation of the plan would decrease the water storage or conveyance capacity of the stream.
 - b.) The plan must include a report by a registered professional engineer of demonstrated competence in hydrology as to the adequacy of the proposed plan for flood protection relative to the elevation of the floodplain and the flow as determined in the flood elevation study approved by FEMA, the effect of the proposed improvement on the flood problems of other properties, and such other hydrologic problems as may result from the improvements. Where the plan only delineates the floodplain elevation on the ground and no change or construction is proposed involving land below the floodplain elevation, the plan may be submitted under the seal of a registered land surveyor.

- c.) The City of Chesterfield may require such additional data or engineering studies from the applicant as may be necessary to determine the adequacy of the proposed plan for flood protection.

D. Effect of Plan Approval.

1. The approval by the City of Chesterfield of such plans for flood protection does not constitute a representation, guarantee, or warranty of any kind by the City of Chesterfield or by any officer or employee of either as to the practicality or safety of any protective measure and shall create no liability upon or cause of action against such public body, officers, or employees for any damage that may result pursuant thereto.
2. Approval of the plan by the City of Chesterfield does not relieve an owner or user from fulfilling the requirements set forth in Article 5 of this UDC and any other City ordinance regarding construction or development within the floodplain.

E. Floodplain Boundary.

In order to establish a minimum lot area outside of the floodplain, an engineer's seal and signature verifying the location of the floodplain boundary must be submitted. for review and approval by the Department. The plat must be certified by a registered professional engineer, of demonstrated competence, licensed to practice in the State of Missouri.

SEC 10-12 FLOOD PLAIN DEVELOPMENT AND FLOOD PLAIN DAMAGE PREVENTION

All definitions pertaining to flood plain development and flood plain damage prevention are located in Article 5: Flood Damage Prevention of this Unified Development Code.

Attachment C

SEC. 03-02 ESTABLISHMENT OF DISTRICTS

A. Districts.

For the purposes of this UDC, all land in the City of Chesterfield is zoned into districts. Changes of zoning, Conditional Use Permits and special procedure applications not included in Section 03-02.E. of this Article, may only be filed for one of the following districts on Table A-1. For purposes of this UDC, text amendments to existing planned district ordinances are referred to and treated as a Special Procedure.

B. Overlay Districts and Special Procedures.

An Overlay District or Special Procedure is an additional zoning requirement that is placed on a geographic area but does not change the zoning of the site. These zoning tools may add additional restrictions or provide certain incentives in specific geographic areas or for land with specific physical features or characteristics. The purpose of using an overlay district or special procedure is to address certain community interests such as historic preservation or protection of environmentally sensitive areas. Requests for an Overlay District or Special Procedure may only be sought for land zoned to one of the districts listed in Table A-1 above. Overlay Districts and Special Procedures found in the City of Chesterfield are as listed in Table B-1 below:

Museum and Arts Area	MAA
Residential Business Use Procedure	RBU
Wild Horse Sub Area Overlay	WH
Chesterfield Historic Register	H
Landmarks Preservation Area	LPA

C. District Boundaries.

The boundaries of these districts are hereby established as shown in the City of Chesterfield Zoning Map consisting of a series of maps at a scale of one (1) inch equals 200 feet, as adopted by Ordinance 624 (1991), together with all subsequent amendments thereto. All district classifications, however, need not appear on the zoning map at one time. Official copies of said map shall be maintained in the Department of Public Services (the Department) and shall be public records. All subsequent amendments to the zoning maps shall be designated on said official copies. The Planning Commission may, at its discretion, cause the City of Chesterfield Zoning Map and its official copies thereof to be photographed, microphotographed, photostated or reproduced on file, which maps when so reproduced shall be deemed to be an original record for all purposes.

D. Inactive Districts and Inactive Special Procedures List.

Table C-1 provides a list of zoning district categories and special procedures which are inactive. While parcels do exist within the City of Chesterfield which are zoned to these districts or which have one of these special procedures applied to it; any changes, modifications, or amendments to any of these districts or special procedures is prohibited, except as described in Section 03-02.A. of this Article. Any site specific ordinance establishing any of these districts or procedures on any given parcel, enacted prior to the passage date of this UDC is still valid. See City of Chesterfield Zoning Ordinance dated November 17, 1997 for specific information on any inactive district or procedure.

TABLE C-1	
R-1 Residence	R1
R-1A Residence	R1A
Estate Residential District (two acre)	E1
Estate Residential District (one acre)	E2
Estate Residential District (half acre)	E3
Non-Urban	NU
C2 Shopping	C2
C3 Shopping	C3
C4 Highway Service Commercial	C4
C6 Office and Research Service	C6
C7 General Extensive Commercial	C7
C8 Planned Commercial	C8
M1 Industrial	M1
M2 Industrial	M2
M3 Planned Industrial	M3
Commercial Service Procedure	CSP
Planned Environment Unit	PEU
Commercial Industrial Density Development	CIDD
Flood Plain Overlay District	FP

*The E1, E2, and E3 Estate Residential Districts are now inactive and have been replaced with the E-2AC, E-1AC, and E-1/2AC Districts. The inactive Estate Districts, along with the Special Procedure known as the Planned Environment Unit or "PEU" and the Flood Plain Overlay District or "FP" Overlay District, may be found in the City of Chesterfield Zoning Ordinance dated November 17, 1997.

SEC. 03-08 USE TABLE FOR OVERLAYS AND SPECIAL PROCEDURES

Use Table for Overlays and Special Procedures

Uses: P-Permitted C-Conditional
 * means the use is allowed with conditions. See the district regulations for the underlying district in this Article for additional regulations

USE GROUP	MAA	PUD	RBU	WH
COMMERCIAL				
Church and other places of worship				P
Community center				C
Library				C
Open air performance and educational facility	p*			
Parks				P
Public safety facility				P
Retreat center				C
Wildlife reservations and forests including conservation projects				P
RESIDENTIAL				
Dwelling, single-family attached				P
Dwelling, single-family detached				P
Dormitories				C
Group residential facility				C
RECREATION/PROFESSIONAL				
Art gallery	P			
Cemetery				C*
Club				C*
Mortuary				C
Museum	P			
Riding stable				C
Theatre	P			
OFFICE				
Office-dental			p*	
Office-general	P		P	
Office-medical			p*	
COMMERCIAL/SALES				
Newspaper stand		p*		
Restaurant, sit-down		p*		

Retail sales establishment, neighborhood		p*	p*	
Commercial sales facility			p*	
RETAIL/INDUSTRIAL				
Barber or beauty shop		p*		
Day care center		p*		C
Drug store and pharmacy		p*		
Hospice				C
Hospital				C
Kennel, boarding				C
Kennel, private				C
Laundromat		p*		
Nursing home				C
EDUCATIONAL				
College/university				P
Educational facility	P			P
Kindergarten or nursery school				P
Specialized private school				C
UTILITIES				
Public utility facilities				P
Public facilities over 60 ft. in height				C
Radio, television, and communication transmitting, receiving, or relay towers and facilities				C
Sewage treatment facilities, other than facilities permitted as an accessory use				C

AN ORDINANCE AUTHORIZING THE CITY OF CHESTERFIELD, MISSOURI TO JOIN THE MISSOURI CLEAN ENERGY DISTRICT PURSUANT TO SECTIONS §67.2800 TO §67.2835, INCLUSIVE, RSMO., THE "PROPERTY ASSESSED CLEAN ENERGY ACT," AND STATING THE TERMS UNDER WHICH THE CITY WILL CONDUCT ACTIVITIES WITHIN THE CITY AS A MEMBER OF SUCH DISTRICT; REQUESTING APPOINTMENT TO THE DISTRICT'S ADVISORY BOARD; DISCLAIMING ANY NEED FOR APPROPRIATION; AND DIRECTING THE CITY CLERK TO SEND A CERTIFIED COPY OF THIS ORDINANCE TO THE BOARD OF DIRECTORS OF THE DISTRICT.

WHEREAS, the 95th General Assembly of Missouri has enacted the Sections §67.2800 to § 67.2835, inclusive, RSMo, the "Property Assessment Clean Energy Act" (the "act"); and

WHEREAS, the development, production, and efficient use of clean energy and renewable energy, as well as the installation of energy efficiency improvements to publicly and privately owned real property, will create jobs for residents of the City of Chesterfield, Missouri, advance the economic well-being and public and environmental health of the City of Chesterfield, Missouri, and contribute to the energy independence of our nation; and

WHEREAS, the primary intent of funding energy efficiency and renewable energy improvements pursuant to the Act is to promote the public purposes described above; and

WHEREAS, Section §67.2810.1 authorizes one or more Municipalities (as defined in Section §67.2800.7) to establish a Clean Energy Development Board to initiate and administer a Property Assessed Clean Energy ("PACE") Program so that owners of qualifying property can access funding for energy efficiency improvements to their properties located in such Municipalities; and

WHEREAS, on January 3, 2011, a clean energy development board now named the Missouri Clean Energy District was created with the intention that all Municipalities within the State of Missouri would be eligible to join and participate by approving an appropriate ordinance or resolution; and

WHEREAS, it is in the best interest of the City of Chesterfield, Missouri and for the benefit of its resident to join and participate in the District.

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

Section 1: The City hereby approves and authorizes joining and participation in the Missouri Clean Energy District.

Section 2: The City declares its intent that the provisions of this Ordinance shall be in conformity with federal and state laws. The City enacts this Ordinance pursuant to Sections 67.2800 to 67.2835 of the Missouri Revised Statutes (2000), as amended.

A. Title and Definitions.

1. Title. This Ordinance shall be known and may be cited as “The City of Chesterfield, Missouri Property Assessed Clean Energy (PACE) Ordinance.”
2. Definitions. Except as specifically defined below, word and phrases used in this Ordinance shall have their customary meanings. Words and phrases defined in Section 67.2800.2 of the Missouri Revised Statutes (2000), as amended, shall have their defined meanings when used in this Ordinance. As used in this Ordinance, the following words and phrases shall have the meanings indicated.
 - a. “Missouri Clean Energy District” or “District” means the Missouri Clean Energy District.
 - b. “PACE Assessment” means a special assessment made against qualifying property in consideration of PACE funding.
 - c. “PACE Funding” means funds provided to the owner(s) of qualified property by the District for an energy efficiency improvement.
 - d. “Qualifying Property” means real property located in The City of Chesterfield, Missouri.

B. Program Administration. The Missouri Clean Energy District shall administer the functions of the PACE Program within the City by:

1. providing property owners with an application in order to apply for PACE Funds;
2. developing standards for the approval of projects submitted by property owners;
3. reviewing applications and select qualified projects;
4. entering into Assessment Contracts with property owners;
5. providing a copy of each executed Notice of Assessment to the County Assessor and causing a copy of each such Notice of Assessment to be recorded in the real estate records of the Recorder of Deeds for the County;
6. authorizing and disbursing the PACE Funds to the property owners;
7. receiving the PACE Assessment from the County Collector; and

8. recording any lien, if needed, due to nonpayment of a PACE Assessment.

- C. Liability of City Officials; Liability of City. Notwithstanding any other provision of law to the contrary, officers and other officials of the City, the District and the County in which the City is located, including, without limitation, tax assessors and tax collectors, shall not be personally liable to any person for claims of whatever kind of nature, under or related to the City's PACE Program, including, without limitation, claims for or related to uncollected PACE Assessments. The City has no liability to a property owner for or related to energy savings improvements funded under a PACE program. The District shall for all purposes be considered an independent entity and shall not be considered a subdivision of the City of Chesterfield.
- D. Existing Laws Not Superseded. Any project or improvement, however denominated, at any Qualifying Property which is funded in whole or in part by PACE Funding shall be subject to all ordinances, rules and regulations in effect at that time.
- E. City as a Non-Party. The City shall not be a party to any PACE Funding agreement, loan, or other commitment, however denominated, executed between the District and the owners(s) (or their representatives, together with any successors and assigns) of any Qualifying Property.

Section 3: The City does hereby request that the Director of Public Services be approved by the Board of Directors of the District as a duly authorized member of the Advisory Board of Missouri Clean Energy District.

Section 4: The City's election to join the District shall in no way constitute an obligation to the City necessitating any corresponding appropriation.

Section 5: The City Clerk is hereby authorized to deliver a duly executed copy of this Ordinance to the Board of Directors or its designee, together with a description of the jurisdictional and geographic boundaries of The City for addition to the District.

PASSED and APPROVED this ____ day of _____, 2015.

MAYOR

ATTEST:

CITY CLERK

[FIRST READING HELD: _____]

PACE. Property Assessed Clean Energy

Innovative. Voluntary. Efficient.

What is PACE?

PACE is Property Assessed Clean Energy, a new and innovative way for commercial property owners to pay for energy efficiency upgrades, on-site renewable energy projects, and water conservation measures. PACE funding is provided or arranged by a local government for 100% of a project's costs, and is repaid with an assessment over a term of up to 20 years. Local government assessment financing has been used efficiently for decades throughout the United States to fund improvements to private property that meet a public purpose.

- PACE financing is available for all types of commercial and industrial properties, large and small, and may be available to non-profits and government facilities as well.
- Financing approvals are simple, but PACE projects must be permanently affixed to the property and save money for the property owner.
- Benchmarking, energy audits and evaluations can be used to ensure that projects make sense, but PACE is 100% voluntary. In communities that adopt PACE, assessments are only paid by participating owners, and only for their own projects.

PACE is a national initiative, but programs are locally based and tailored to meet local market needs. Visit www.pacenow.org to see if PACE financing is available in your community or learn more about how you can support development of a program.

The Opportunity

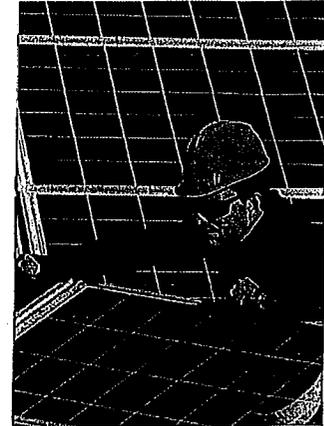
Energy efficiency is the least expensive energy we can buy. In the U.S., buildings alone consume over 40 percent of the energy we use, and roughly 75 percent of all electricity. A 2012 study by the Rockefeller Foundation and DB Climate Change Advisors sees an investment opportunity of nearly \$280 billion over the next 10 years that would translate to over \$1 trillion in energy savings, over 3 million jobs, and 600 million fewer metric tons of carbon emissions per year. PACE is clearly working because it meets a market need.

- Property owners see an opportunity to save money and make their buildings more valuable
- Existing mortgage lenders support projects that meet their clients' objectives and increase the value of their collateral
- Energy service companies and contractors find PACE can help them make sales
- Local governments like PACE because it creates jobs, economic activity, and helps meet energy conservation goals
- Private market investors like PACE because assessment liens are a proven, strong credit

Benefits of PACE

PACE financing has many features that can uniquely solve barriers to the adoption of energy efficiency measures.

- 100% financing requires no up-front cash investment
- Long-term financing (up to 20 years) results in immediate positive cash flow
- No payoff upon sale because PACE assessments (and energy savings) remain with the property
- Assessment costs and savings can be shared with tenants
- PACE can attract a wide range of private investors with low interest rates
- PACE may be treated as off balance sheet financing
- Non-recourse, non-accelerating financing
- PACE programs are local and community members are motivated to engage in outreach and marketing efforts



WHERE IS PACE AVAILABLE?

PACE can now be used in 31 states and programs are being launched throughout the U.S. Over the past 12 months, financing activity has more than doubled, with more than \$30 million provided to improve over 160 buildings. Projects completed and in the works range from \$10 thousand to over \$3 million. In the coming year, programs in California, Connecticut, Florida, Georgia, Michigan, Minnesota, New York, Ohio, and others could easily triple these results.

PACE financing works for large and small projects on just about any commercial building. Some of the world's largest property owners, including Simon Property Group and Prologis, Inc. have used PACE to finance energy efficiency and renewable upgrades to their buildings.

CONTACT PACENow

www.pacenow.org
info@pacenow.org



PACENow is an independent, impartial, consensus-driven, non-profit organization. Our mission is to promote improved energy efficiency in buildings and use of PACE and our strategy is to be a trusted source for information and resources to a growing coalition of PACE stakeholders that includes local governments, businesses, industry service providers, labor and trade organizations, environmental groups and private individuals nationwide.

LEGISLATION - PLANNING COMMISSION

BILL NO. 2998 – PROVIDES FOR THE APPROVAL OF A BOUNDARY ADJUSTMENT PLAT FOR FOUR SEASONS PLAZA FOR A 16.26 ACRE TRACT OF LAND ZONED “C-2” SHOPPING DISTRICT AND “PC” PLANNED COMMERCIAL DISTRICT LOCATED SOUTH OF OLIVE BOULEVARD AND WEST OF WOODS MILL ROAD (16Q220719, 16Q210763 AND 16Q220690) (FIRST AND SECOND READINGS; DEPT. OF PUBLIC SERVICES RECOMMENDS APPROVAL)

BILL NO. 3012 – AMENDS ARTICLE 3 SECTION 03-04.H OF THE UNIFIED DEVELOPMENT CODE TO AMEND DEVELOPMENT CRITERIA AND STANDARDS TO ENCOURAGE PEDESTRIAN CONNECTIVITY AND ACCESS WITHIN THE URBAN CORE DISTRICT (P.Z. 16-2014 CITY OF CHESTERFIELD {URBAN CORE DISTRICT UPDATES}) (FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED WITHIN THE ATTACHED GREEN SHEET AMENDMENT)

BILL NO. 2998

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE APPROVAL OF A BOUNDARY ADJUSTMENT PLAT FOR FOUR SEASONS PLAZA FOR A 16.26 ACRE TRACT OF LAND ZONED "C-2" SHOPPING DISTRICT AND "PC" PLANNED COMMERCIAL DISTRICT LOCATED SOUTH OF OLIVE BOULEVARD AND WEST OF WOODS MILL ROAD (16Q220719, 16Q210763, and 16Q220690).

WHEREAS, DosterUllom LLC., on behalf of Caplaco Seven, Inc. and Dierbergs Four Seasons, Inc., has submitted for review and approval a Boundary Adjustment Plat for the above referenced property located south of Olive Boulevard and west of Woods Mill Road; and,

WHEREAS, the purpose of said Boundary Adjustment Plat is to consolidate a 0.04 acre portion of Original Adjusted Lot 1 with Original Adjusted Lot 2 to be known as Readjusted Lot 1 and Readjusted Lot 2; and,

WHEREAS, the Department of Public Services has reviewed the Boundary Adjustment Plat in accordance with the Unified Development Code of the City of Chesterfield and has found it to be in compliance with all applicable ordinances and has forwarded said Boundary Adjustment Plat to the City Council; and,

WHEREAS, the City Council of the City of Chesterfield having considered the request, voted to approve said Boundary Adjustment Plat.

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

Section 1. The Boundary Adjustment Plat which is attached hereto as "Exhibit 1" and made part hereof as if fully set out herein is hereby approved; the owner is directed to record the plat with the St. Louis County Recorder of Deeds Office.

Section 2. The Mayor and City Clerk are authorized and directed to evidence the approval of the said Boundary Adjustment Plat by affixing their signatures and the official seal of the City of Chesterfield as required on the said document.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2015

MAYOR

ATTEST:

CITY CLERK

BILL NO. 3012

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 3 SECTION 03-04.H OF THE UNIFIED DEVELOPMENT CODE TO AMEND DEVELOPMENT CRITERIA AND STANDARDS TO ENCOURAGE PEDESTRIAN CONNECTIVITY AND ACCESS WITHIN THE URBAN CORE DISTRICT (P.Z. 16-2014 CITY OF CHESTERFIELD {URBAN CORE DISTRICT UPDATES}).

WHEREAS, the City of Chesterfield Unified Development Code contains regulations and requirements pertaining to the development and construction of land within the City; and,

WHEREAS, the Unified Development Code serves to promote the public health, safety, and general welfare of the citizens of the City of Chesterfield; and,

WHEREAS, the City of Chesterfield seeks to update development criteria and standards pertaining to the Urban Core District; and,

WHEREAS, a Public Hearing was held before the Planning Commission on November 24, 2014; and,

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

WHEREAS, the Planning and Public Works Committee, having considered said request, recommended approval with an amendment pertaining to the open space requirement; and,

WHEREAS, the City Council, having considered said request, voted to approve the updates to Article 3 of the Unified Development Code pertaining to the Urban Core District with an amendment pertaining to the open space requirement.

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

Section 1. The City of Chesterfield hereby repeals Article 3 Section 04.H of the Unified Development Code and replaces it with a new Section as set out in Attachment "A" which is attached hereto and made part thereof.

Section 2. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as whole, or any part thereof.

Section 3. The provisions of the Ordinance may be amended in the future by the City Council of the City of Chesterfield, after notice and hearing as provided by law.

Section 4. Where this Ordinance differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State, or Federal government, the more restrictive or protective of the City and the public shall apply.

Section 5. The City Council, pursuant to the petition filed by the City of Chesterfield in P.Z. 16-2014, requesting amendment embodied in this Ordinance and pursuant to the recommendations of the City of Chesterfield Planning Commission, Planning and Public Works Committee and City Council that said petition be granted and after public hearing, held by the Planning Commission on the 24th day of November, 2014, 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 6. This Ordinance shall be codified within the Municipal Code of the City of Chesterfield.

Section 7. This Ordinance shall take effect immediately upon its publication, pursuant to applicable legal and procedural requirements.

Section 8. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2015.

MAYOR

ATTEST:

CITY CLERK

First Reading Held: _____

AMENDMENT 1:

The Planning and Public Works Committee recommended that the following change be made to the Attachment A by a vote of 3-0:

Article 03-04.H.4.(b).4 (page 3). Delete the word “common” as indicated below:

- (4) Open Space. A minimum of 30% ~~common~~ open space is required. Open space should be integrated into the development to provide aesthetic, recreational, or other public benefit. Covered pedestrian walkways and bridges may be counted towards the 30% ~~common~~ open space requirement.

Green Sheet

ATTACHMENT A
UNIFIED DEVELOPMENT CODE AMENDMENTS

H. "UC" Urban Core District.

1. Purpose. The "UC" Urban Core District is intended to provide a method for commercial or mixed commercial and residential development within the area known as the Urban Core. The regulations for the "UC" District offer a method that allows flexibility in applying certain zoning standards. Such flexibility requires a review process and development plan to safeguard health, safety, and welfare concerns. In exchange for flexibility, "UC" Districts are required to provide exceptional design and amenities not otherwise required through traditional zoning techniques. These requirements are designed to offset the impact of changes in development standards allowed through these provisions. The "UC" District allows innovative designs, solves problems on difficult sites, meets market niches, encourages pedestrian access and connectivity between developments, and promotes well designed developments. The "UC" District regulations should have the following outcomes:
 - a.) Implement the vision of the area of the City identified as the Urban Core in the Comprehensive Plan;
 - b.) Promote pedestrian access, connectivity and facilities between sites, between developments and to public facilities through inclusion of a variety of site and building design features such as continuous pedestrian walkways between buildings and from parking areas, trails, bicycle paths, covered walkways between buildings, widened sidewalks at the entrance to commercial and office structures, bicycle parking and continuous walkways through parking areas to buildings within the development.
 - c.) Allow flexibility that is not available through standards and restrictions contained elsewhere in the Zoning Ordinance;
 - d.) Promote more efficient use of land;
 - e.) Incorporate site features such as topography, views, vegetation, water features, and other factors into the design so they become assets to the development;
 - f.) Promote building styles and architectural styles that complement one another;

- g.) Allow a mix of uses that are designed to negate potential conflicts that normally occur between incompatible land uses;
 - h.) Promote the most efficient arrangement of circulation systems, land use, and buildings;
 - i.) Promote environmentally sensitive developments; and
 - j.) Allow development, under a specifically approved design concept and site plan, which otherwise may not be permitted by the Zoning Ordinance.
2. Scope of Provisions. This Section contains the regulations of the "UC" District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in the UDC. Additional conditions may be established in the planned district ordinance authorizing the establishment of a "UC" District.
3. Where the City Council determines that any particular tracts or areas should be developed for commercial use, a "UC" District may be established on a tract of land in single ownership or single management control provided that:
- a.) The preliminary development plan and the application for change of zoning are approved by the City Council; and
 - b.) A site development plan is approved by the Planning Commission and recorded in compliance with requirements of this Section.
4. Minimum Standards of Design. In addition to the development standards and district requirements in Article 04 of this UDC, the following performance standards are applicable to the "UC" District:
- a.) Uses. Permitted land uses shall be established in the conditions of the ordinance governing the particular "UC" District. Uses may include those uses designated as permitted or conditional uses in any commercial or residential district listed in Table A-1 of Section 03-02 of this Article.
 - (1) Uses requiring an Adult Entertainment Area Permit are not permitted.
 - (2) Light industrial type uses which are permitted in limited areas within a "PC" District are not permitted in the "UC" District.
 - b.) In order to promote reasonable and orderly development within the City of Chesterfield, the following standards shall be

considered by the Planning Commission and City Council in consideration for a change in zoning to the "UC" District. These standards are minimum requirements and may be made more restrictive in the conditions of the planned district ordinance governing the particular "UC" District.

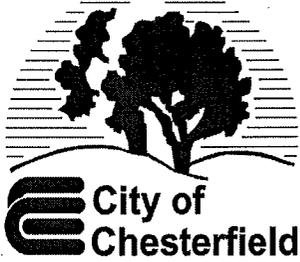
- (1) Lot Area. The minimum lot area for this district is three (3) acres.
- (2) Density. A maximum Floor Area Ratio (F.A.R.) of 0.55 is allowed.
- (3) Height. The total height of any structure shall not exceed eight (8) stories in height, excluding mechanical devices.
- (4) Open Space. A minimum of 30% common open space is required. Open space should be integrated into the development to provide aesthetic, recreational, or other public benefit. Covered pedestrian walkways and bridges may be counted towards the 30% common open space requirement.
- (5) Setbacks.
 - (a) The minimum yard setback for any structure from the boundary of a "UC" District shall be 35 feet.
 - (b) The minimum yard setback for any parking area, parking structure, internal drive or loading space shall be 30 feet.

5. Site Design Features and Flexibility. Any design features approved under this Section shall be assured and implemented through inclusion in the planned district ordinance. This ordinance shall be approved concurrently with the change in zoning to the "UC" District.

a.) While these features are not mandatory for approval, they are desirable to the City of Chesterfield and may increase the flexibility of design and the ability of the developer to negotiate the mitigation of other requirements.

- (1) Incorporation of parking areas into the design of the development to minimize visual expanses of parking lots;
- (2) Placement of structures on most suitable sites with consideration of topography, soils, vegetation, slope, etc.;

- (3) Preservation of natural and cultural areas, as well as the creation of open space through active and passive recreation areas to include greenways, walking and cycling trails that serve to connect significant areas and various land uses;
 - (4) Enhanced landscaping, deeper and opaque buffers, and increased planting along residential properties, public rights-of-way, open space/recreational areas, and the overall perimeter of the project;
 - (5) Utilization of mixed use buildings;
 - (6) Segregation of vehicular traffic from pedestrian/bicycle circulation networks, and other traffic mitigation measures;
 - (7) Promotion of pedestrian access and connectivity throughout the development as well as between sites and developments and to public and community facilities;
 - (8) Incorporation of Transit Oriented Development or direct access to public transportation;
 - (9) Utilization of Leadership in Energy and Environmental Design (LEED) construction and development standards and the proposed LEED certification of buildings;
 - (10) Public benefits and community facilities and the access thereto; and
 - (11) Sensitive treatment of perimeters to mitigate impact upon adjoining property.
6. The procedure for zoning to the "UC" District and site development plan approval is established in Article 02 of this UDC.



NEWSLETTER - CITY COUNCIL MEETING

1/5/15

AGENDA REVIEW – Monday, January 5 – 6:30PM

Please note that an AGENDA REVIEW meeting has been scheduled for **6:30pm**, on Monday, January 5, 2014. The enclosed AGENDA contains a list of those items to be discussed, by City Council, at this meeting.

As always, if you have any questions regarding any of the items contained within said AGENDA, please let me know. Additionally, if there is anything that you would like ADDED to said AGENDA, please contact either Mayor Nation, or me, prior to Monday's meeting.

UPCOMING MEETINGS/EVENTS

- | | |
|------------------------------|--|
| Thursday, January 8 | P/PW Committee (5:30pm) |
| Monday, January 12 | Planning Commission (7pm) |
| Monday, January 19 | City Hall Closed (Martin Luther King, Jr. Birthday Holiday) City Hall Closed |
| Tuesday, January 20 | Qualifying period ends at 5pm (re: April 7, 2015 Election) |
| Wednesday, January 21 | Next City Council meeting |

PRESENTATION

As detailed in the enclosed MEMO, Chief Johnson will present the "Chesterfield Police Citizen Service Citation" to Ms. SARA SCHREFER, a resident of Chesterfield Village, at Monday's City Council meeting. As Chief Johnson will explain, during his presentation, Ms. Schrefer's quick thinking and action prevented a potentially dangerous situation from occurring.

If you have any questions, please contact either Chief Johnson or me, prior to Monday's meeting.

APPOINTMENTS

With the concurrence/support of Ward II Councilmembers, Derek Grier and Elliot Grissom, Mayor Nation will officially nominate the following individuals for re-appointment to the Architectural Review Board, at Monday's meeting:

----**Matt Adams - Two-year term, expiring 1/2/2017**

----**Richard Clawson - Two-year term, expiring 1/2/2017**

If you have any questions, between now and Monday's City Council meeting, please contact Mayor Nation, Councilmembers Grier and/or Grissom or me.

FINANCE AND ADMINISTRATION COMMITTEE – MAYOR'S VETOES

As you are already aware, Mayor Nation signed **RESOLUTION NO. 409**, which City Council approved/adopted on December 1, 2014. However, Mayor Nation has also officially **VETOED** the following four items, contained within the FY2015 Budget:

1. The FY2015 Budget contains \$200/employee, or a total of \$45,200, for Holiday Grocery Gift Certificates. **The Mayor has VETOED \$100/certificate**, which, if sustained, would generate savings of **\$22,600** for the General Fund.
2. The FY2015 Budget contains a salary pool, based on 3% of all full-time salaries. **The Mayor has VETOED .5% of that amount, leaving 2.5% in the budget.** If sustained, this VETO would generate savings of **\$43,458**, distributed proportionately, among the 3 funds.
3. The FY2015 Budget contains \$102,000 to cover 9 mos. of salary/fringe, associated with hiring **TWO NEW POLICE OFFICERS**. **The Mayor has VETOED \$51,000 of that amount, leaving \$51,000 in the budget to cover 9 months of expenses associated with hiring ONE NEW POLICE OFFICER.** If sustained, this VETO would generate saving of **\$51,000** for the General Fund.
4. The FY2015 Budget contains \$100,000 to cover the costs of bringing "PUBLIC ART" IN-HOUSE, specifically the promotion of one existing employee to the position of "Supt. of Arts and Entertainment" and hiring a "Recreation Specialist". **The Mayor has VETOED the funds needed to promote the existing employee and to hire the second employee.** If sustained, this would generate savings of **\$59,613**, within the Parks Sales Tax Fund.

As confirmed by City Attorney Rob Heggie and as requested by F&A Committee Chairperson Derek Grier, I will include those four specific VETOED ITEMS on the Jan. 5 City Council AGENDA, under the REPORT OF THE CHAIRPERSON OF THE F&A COMMITTEE, for a possible VETO OVERRIDE. **A vote to OVERRIDE a VETO must receive SIX AFFIRMATIVE VOTES.**

Please contact F&A Chairperson Derek Grier, Mr. Heggie or me, if you have any questions regarding this process.

RECOMMENDATIONS - PLANNING/PUBLIC WORKS (P/PW) COMMITTEE

As detailed in the enclosed MINUTES, prepared by Mike Geisel, Director of Public Services, the P/PW Committee met on Thursday, December 4, 2014. The following is a list of those items, considered by this Committee, which will be reviewed in greater detail, at Monday's meeting:

---- **Bill No. 2998** - Approves Boundary Adjustment Plat - Four Seasons Plaza (**FIRST AND SECOND READINGS**) [**NOTE:** This proposed legislation was held, at the Petitioner's request, at the November 3 City Council meeting]

---- **Bill No. 3009** - P.Z. 15-2014, City of Chesterfield (Unified Development Code; Flood plain updates) (**SECOND READING**)

IIA. Bill No. 3012 - P.Z. 16-2014, City of Chesterfield (Urban Core Updates) (**FIRST READING; GREEN SHEET AMENDMENT**)

---- **Bill No. 3013** – Property Assessed Clean Energy (PACE) Program (**FIRST READING**)

Next Meeting – Thursday, January 8, 2015 (5:30pm)

If you have any questions, please contact Chairperson Dan Hurt, any other member of this Committee, Mr. Geisel or me, prior to Monday's meeting.

LEGISLATION

BILL NO. 3009 – REPEALS ORDINANCE 2284 AS EMBODIED IN CHAPTER 14, FLOOD DAMAGE PREVENTION, OF THE CITY CODE AND REPLACES IT WITH A REVISED ARTICLE 05 OF THE CITY OF CHESTERFIELD, MISSOURI UNIFIED DEVELOPMENT CODE AND REPEALS AND AMENDS THE FOLLOWING: ARTICLE 02-05, ARTICLE 02-18.C, ARTICLE 03-02, ARTICLE 03-05, ARTICLE 03-08, ARTICLE 07-05.D, ARTICLE 07-06, ARTICLE 09-03.B, AND ARTICLE 10-12 RELATED TO THE SAME (P.Z. 15-2014, CITY OF CHESTERFIELD UNIFIED DEVELOPMENT CODE UPDATES) (**SECOND READING; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

BILL NO. 3013 – AUTHORIZING THE CITY OF CHESTERFIELD, MISSOURI TO JOIN THE MISSOURI CLEAN ENERGY DISTRICT PURSUANT TO SECTIONS 67.2800 TO 67.2835, INCLUSIVE, RSMO., THE “PROPERTY ASSESSED CLEAN ENERGY ACT,” AND STATING THE TERMS UNDER WHICH THE CITY WILL CONDUCT ACTIVITIES WITHIN THE CITY AS A MEMBER OF SUCH DISTRICT; REQUESTING APPOINTMENT TO THE DISTRICT’S ADVISORY BOARD; DISCLAIMING ANY NEED FOR APPROPRIATION; AND DIRECTING THE CITY CLERK TO SEND A CERTIFIED COPY OF THIS ORDINANCE TO THE BOARD OF DIRECTORS OF THE DISTRICT. (**FIRST READING; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

LEGISLATION - PLANNING COMMISSION

BILL NO. 2998 – PROVIDES FOR THE APPROVAL OF A BOUNDARY ADJUSTMENT PLAT FOR FOUR SEASONS PLAZA FOR A 16.26 ACRE TRACT OF LAND ZONED “C-2” SHOPPING DISTRICT AND “PC” PLANNED COMMERCIAL DISTRICT LOCATED SOUTH OF OLIVE BOULEVARD AND WEST OF WOODS MILL ROAD (16Q220719, 16Q210763 AND 16Q220690) **(FIRST AND SECOND READINGS; DEPT. OF PUBLIC SERVICES RECOMMENDS APPROVAL)**

BILL NO. 3012 – AMENDS ARTICLE 3 SECTION 03-04.H OF THE UNIFIED DEVELOPMENT CODE TO AMEND DEVELOPMENT CRITERIA AND STANDARDS TO ENCOURAGE PEDESTRIAN CONNECTIVITY AND ACCESS WITHIN THE URBAN CORE DISTRICT (P.Z. 16-2014 CITY OF CHESTERFIELD {URBAN CORE DISTRICT UPDATES}) **(FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED WITHIN THE ATTACHED GREEN SHEET AMENDMENT)**