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Sec. 01-01. SHORT TITLE

This Unified Development Code shall be known and may be cited as "The Unified Development Code of the City of Chesterfield, Missouri," although it may be referred to hereafter as the "Unified Development Code" or the "UDC."

Sec. 01-02. PURPOSE

The purpose of the UDC is as follows:

- A. Promote public health, safety and general welfare, while recognizing the rights of real property owners and providing for administrative procedures and development standards.
- B. Prevent the overcrowding of land and avoid undue concentration of population by creating zoning districts consistent with the character of each area within the City and its particular uses and by adopting an Official Zoning Map consistent with the creation of such districts.
- C. Lessen congestion in the streets and secure safety from natural disaster, fire, panic and other dangers by establishing density regulations within each zoning district and further by providing a means by which the rate of growth within the City can be monitored and managed.
- D. Facilitate the adequate provision of transportation, water, sewerage, drainage, schools, parks, and other public requirements by providing a means for regulating the impact of development on community infrastructure.
- E. Regulate subdivision and development of land, ensuring its orderly development and the concurrent provision of appropriate and necessary public facilities.
- F. Maintain a balance between the total development in the City and the capacity of the City and its infrastructure to serve such development.
- G. Protect designated corridors, natural resource areas, historic areas, and scenic areas within the City by establishing conservation areas, overlay zoning districts, and by establishing regulations related to the preservation of quality aesthetic and environmental standards.
- H. Help achieve the goals, objectives, and policies of the City of Chesterfield Comprehensive Plan.
- I. Carry out such other purposes in the public interest as may be specifically cited hereinafter.

Sec. 01-03. APPLICABILITY

A. General.

1. District Regulations. The use and development of land and structures within any zoning district are limited to those uses and developments set forth in those Sections of this UDC as applicable to such district.
2. Building Permits. No building permit shall be issued for the erection, reconstruction or alteration of any structure, or part thereof, nor shall any such improvement be started until approved by the Department of Public Services (the Department). No building permit shall be issued for any building unless such building is in conformity with the provisions of this UDC.
3. Occupancy Permits. No building or structure or part thereof shall hereafter be constructed or altered until issuance of a proper permit. No new use, extension or alteration of an existing use, or conversion from one use to another, shall be allowed in any building, structure or land or part thereof until issuance of a proper permit; except that no permit shall be required for the raising of agricultural crops, orchards or forestry. No occupancy permit shall be issued for any use or change in use unless such use or change in use is in conformity with the provisions of this UDC.

B. Exclusions.

The provisions of this UDC shall not apply to building demolition material sites lawfully operated in accordance with the provisions of Chapter 621, SLCRO 1964, as amended, nor to the extraction of sand and gravel from stream beds conducted in accordance with the provisions of Chapter 1006, SLCRO 1964, as amended.

Sec. 01-04. AUTHORITY

The authority to adopt and enforce this UDC is granted to the City of Chesterfield, Missouri pursuant to Chapter 89, Revised Statutes of Missouri.

Sec. 01-05. JURISDICTION

The provisions of this UDC shall apply to all properties within the jurisdictions of the City of Chesterfield and shall govern development and use of the land. No building shall be erected or structurally altered nor shall any land development activity take place, unless it conforms to the provisions of this UDC. Uses of property shall be limited by the provisions of this UDC.

Sec. 01-06. CITY OF CHESTERFIELD COMPREHENSIVE PLAN

The Comprehensive Plan shall recommend long-range development patterns and programs for all land within the City of Chesterfield. The Comprehensive Plan shall include, but not be limited to the following elements:

- A. A Population Element which considers historic trends and projections, household numbers and sizes, educational levels, income characteristics, and other demographic information.
- B. An Economic Element which considers labor force and labor force characteristics, employment by place of work and residence, and analysis of the economic base.
- C. A Natural Resources Element which considers slope characteristics, prime agricultural and forest land, plant and animal habitats, parks and recreation areas, scenic views and sites, wetlands, and soil types.
- D. A Cultural Resources Element which considers historic buildings and structures, unique commercial or residential districts, natural and scenic resources, archeological and other cultural resources.
- E. A Community Facilities Element which considers the transportation network; water supply, treatment and distribution; sewage system and wastewater treatment; solid waste collection and disposal; fire protection; emergency medical services; general government facilities; education facilities; libraries; and other community facilities.
- F. A Housing Element which considers location, types, age and condition of housing, owner and renter occupancy, and affordability of housing.
- G. A Land Use Element which considers existing and future land use by categories, including residential, commercial, industrial, agricultural, recreation, parks, open space, and vacant and undeveloped land.
- H. Any other element determined to be necessary.

Sec. 01-07. REPEAL OF CONFLICTING ORDINANCES

All ordinances and parts of ordinances relating to planning and zoning previously adopted by the City Council, including special procedure ordinances and all orders or parts of orders adopted by the City Court of Chesterfield, which are inconsistent with any provision of this Article, are repealed to the extent of such inconsistency. An ordinance or part of an ordinance shall be deemed inconsistent with this Article if it establishes a regulation or authorization which is inconsistent with a regulation or authorization under the new provisions of this UDC.

Sec. 01-08. EFFECTIVE DATE

This UDC is effective within the jurisdiction of the City of Chesterfield as of June 16, 2014. All ordinances in conflict are hereby repealed to the extent of their inconsistency.

Sec. 01-09. SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this UDC or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this UDC, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

Sec. 01-10. TRANSITIONAL PROVISIONS

A. Violations Continue.

Any violation of the previous zoning, subdivision, or other ordinances that are now made a part of the UDC of the City, shall continue to be a violation under this UDC and shall be subject to penalties and enforcement under Article 08 of this UDC, unless the use, development, construction or other activity is consistent with the express terms of this UDC.

B. Completion of Development.

Complete Applications Submitted before, June 16, 2014.

Any application as related to this UDC, submitted on or before, June 16, 2014, may be reviewed and approved or denied in conformance with the terms and conditions applicable at the time of submittal.

C. Plans and Plats Submitted on or before, June 16, 2014.

Any development for which a plan or plat was submitted on or before, June 16, 2014, may be granted approval and may subsequently be developed in accordance with the approved plan or plat. If a final plan or plat for a development is not approved within any applicable time requirements established by the previous ordinance requirements, the Planning Commission may grant a time extension of not more than 24 months. If the final plan or plat is not submitted and reviewed by the end of the granted extension, then such development shall be required to adhere to the strict compliance with the requirements of this UDC.

Sec. 01-11. ADMINISTRATIVE & DECISION MAKING AUTHORITIES

- A. Refer to Chapters 2 and 23 of the City of Chesterfield City Code for the following entities; City Council, Planning and Public Works Committee, Planning Commission, Board of Adjustment and Public Works Board of Variance.
- B. Architectural Review Board.
  - 1. An Architectural Review Board (hereafter referred to as "ARB") is hereby established.
  - 2. Purpose. The purpose of the ARB is to protect the character of the City of Chesterfield by requiring that all development and redevelopment projects submitted to the City of Chesterfield during the Site Development Plan and the Site Development Section Plan process be reviewed by the ARB in order to achieve the following goals:
    - a.) Ensuring that high standards of architectural design and materials are used for development in the City of Chesterfield.
    - b.) Preserving and improving the value of property within the City of Chesterfield.
    - c.) Protecting and enhancing the attractiveness of the City to home buyers, tourists, visitors, and shoppers; thereby supporting and promoting business, commerce and industry, and providing economic benefit to the City.
    - d.) Provide recommendations to the Planning Commission. The Planning Commission shall consider any recommendations or comments provided by the ARB. The Planning Commission may consider, accept, modify, or reject such recommendations in whole or part at their sole discretion.
    - e.) Review projects for consistency with the City of Chesterfield Architectural Review Design Standards while making recommendations to the Planning Commission on potential modifications or enhancements to architectural submissions.
  - 3. Composition of the ARB. The Chesterfield ARB shall consist of seven (7) members, which shall be made up of two (2) commercial architects, one (1) residential architect, one (1) landscape architect and one (1) member from the Board of Chesterfield Arts Inc. The remaining members shall be two (2) other professionals selected for their expertise in these or related fields. Preference in the selection shall be given to members who are residents of the City of Chesterfield or whose business is located in the City of Chesterfield, all of whom shall be appointed by the Mayor with the consent of the City Council. The Chair of the Planning Commission shall appoint a member to act as Liaison to the ARB, as provided for in the

Planning Commission By-Laws. Said Liaison may be rotated between interested members of the Planning Commission at the discretion of the Planning Commission Chair. The Planning Commission Liaison representative shall not vote and may not serve as an ARB officer.

4. ARB terms. The terms of office of the members of the ARB shall be for two (2) years. Mid-term vacancies shall be filled for the remaining unexpired term only by Mayoral appointment. The ARB shall schedule at least 12 meetings per year and any member of the ARB who fails to attend at least 50% of all meetings, regular and special, in any calendar year, will be replaced on the Board.
5. ARB officers. Officers shall consist of a Chair and a Vice-Chair elected by the ARB membership. Officers shall each serve a term of one (1) year and shall be eligible for re-election; but no member shall serve as Chair for more than two (2) consecutive years. The Planning Commission Liaison shall not be eligible for office. The ARB Chair shall preside over meetings. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair. If both are absent, those present shall elect a temporary Chair.
6. ARB meetings. A quorum shall exist when four (4) of the appointed members are in attendance at a meeting. All decisions or actions of the ARB shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times to be established by resolution of the ARB at the beginning of each calendar year or at any time upon the call of the Chair, but not less than 12 times each year. No member of the ARB shall vote on any matter that may materially or apparently affect the property, income, or business of that member. All members shall abide by any other City policies as to conflict of interest. All meetings of the ARB shall be open to the public. The Planning and Development Services Director shall provide staff to keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed and retained by the Department and shall be public record.
7. Powers and duties of the ARB. The ARB shall have the following powers and duties:
  - a.) To make recommendations to the Planning Commission regarding architectural elevations and all other architectural matters, including amendments thereto, which are forwarded or assigned to be reviewed by the ARB;
  - b.) Responsibilities and duties to be assigned or amended by City Council.