

BILL NO. 2571

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH A NEW ZONING DISTRICT, "PLANNED COMMERCIAL AND RESIDENTIAL, (PC&R) SAID NEW SECTION PROVIDES GENERAL AND SPECIFIC DEVELOPMENT CRITERIA FOR MIXED USE DEVELOPMENT IN A SPECIFIC SECTION OF THE CITY'S URBAN CORE.

WHEREAS, there has been increased interest in the creation of a mixed-use Zoning District to facilitate the creation of a "downtown" area; and,

WHEREAS, the Planning Commission Ordinance Review Committee recommended the creation of the "PC&R" Zoning District; and,

WHEREAS, the Planning Commission concurred with the recommendation of the Ordinance Review Committee and voted to recommend said amendment; and,

WHEREAS, the Planning and Zoning Committee reviewed and favorably recommended the creation of said "PC&R" Zoning District.

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

Section 1. The City of Chesterfield Zoning Ordinance is hereby amended incorporate a new Zoning District, identified as the Planned Commercial and Residential (PC&R) District, as set forth in Attachment "A" which is attached hereto and made a part hereof.

Section 2. This ordinance shall be codified within the Municipal Code of the City of Chesterfield.

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

Passed and approved this _____ day of _____, 2007

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD: 8-20-2007

ATTACHMENT A

PLANNED COMMERCIAL AND RESIDENTIAL MIXED USE DEVELOPMENT ("PC&R") DISTRICT

Scope. This Section provides general regulations for the PC&R District and contains the enabling authority for the adoption of site specific ordinances, site development plan, or site development concept plan and site section plans for specific PC&R developments. Specific regulations and conditions governing a PC&R development may be provided in a site specific ordinance as authorized in this Section.

- 1) **Purpose and Intent.** This Section is intended to enable the creation of a PC&R District development comprising a minimum of seventy (70) acres in size and located only in the area bounded on the east by State Route 340, on the west by Baxter Road, on the north by State Route 40 / I-64, and on the south by Lydia Hill Drive. A PC&R District development is intended to create a diverse residential and commercial mixed use environment in which residential and commercial uses can be integrated pursuant to a "downtown" concept that encourages creative and coordinated design and architectural styles, efficient and effective pedestrian circulation, conservation of land resources, efficient and effective vehicular circulation, and where people can choose to live, work, eat, shop, enjoy cultural amenities and recreate. By definition, "Downtown" development is mixed-use, and usually follows one of two patterns (or an adaptation of both). First, as a vertical mix on a given parcel, land uses change from floor to floor within the same building. Typically, this pattern is residential above commercial (retail, professional services or office). The second pattern occurs when buildings or spaces of a single use are combined with those of other single uses. Examples are a street of residential buildings with commercial buildings occupying the corners or a commercial "Main Street" combined with residential "side streets."
- 2) **Permitted Uses.** Permitted uses shall be established in the Site Specific PC&R District Ordinance governing a PC&R development and may include commercial uses permitted in the Planned Commercial ("PC") District or any of the residential uses in any of the Residential Districts. Residential and commercial uses may be combined in the same building, combined on the same lot in separate buildings or on separate lots within a PC&R development. The permitted uses shall be combined within a PC&R Development to create a "Downtown" concept.
- 3) **Performance Standards.** Performance Standards for the PC&R District are provided in the Chesterfield City Code for the PC (Commercial) and R (Residential) land uses. Conflicts between the Commercial and Residential performance standards shall be resolved in the Site Specific PC&R Ordinance, Site Development Plan, Site Development Concept Plan, or Site Development Section Plan. Specific performance standards may be provided in the Site Specific PC&R District Ordinance governing a PC&R development or provided on the Site Development Plan, Site Development Concept Plan, or Site Development Section Plan. Said performance standards may supplement, modify, or alter performance standards provided elsewhere in the Chesterfield City Code. Except where specifically stated otherwise in this Section, performance standards established in the Site Specific PC&R District Ordinance governing a PC&R development or provided on the Site Development Plan, Site Development Concept Plan, or Site Development Section Plan for a PC&R development shall supersede any performance standards required by any other District regulation or Ordinance of the City.

In order to provide for, supplement, modify, or alter a specific performance standard in a Site Development Plan, Site Development Concept Plan or Site Development Section Plan, the Site Specific

PC&R Ordinance must specifically authorize such provision, supplementation, modification, or alteration; such authority, if granted in the Site Specific PC&R Ordinance, may be limited or conditioned by the terms of the Site Specific PC&R Ordinance.

Performance Standards may include, but are not limited to addressing, one or more of the following:

- (a) density;
- (b) maximum height of buildings and structures;
- (c) setbacks;
- (d) open space;
- (e) parking;
- (f) signage;
- (g) architectural standards.

4) **Procedure to Establish a PC&R District by Adoption of a Site Specific PC&R District Ordinance.**

In order to establish a PC&R District, the procedure shall be as follows:

(a) *Application.* The owner or owner of record or owners under contract of a lot or tract of land, or their authorized representatives, shall petition the Chesterfield City Council on forms prescribed for this purpose by the City. These forms shall be submitted to the City and accompanied by the following:

1. Filing fee per requirements of Section 1003.210, "Fees".
2. Metes and Bounds Legal description of the property.
3. Outboundary survey of the property, Prepared by a registered land surveyor, at any scale from one inch equals twenty (20) feet to one inch equals one hundred (100) feet in any increments of ten (10) feet from an accurate survey on one or more sheets whose maximum dimensions are thirty-six (36) inches by forty-two (42) inches. In certain unusual instances where the property is of unusual size or shape, the Department of Planning may permit a variation in the scale or size of the survey. If more than one sheet is required, a key map on Sheet No. 1 showing the entire project at reduced scale shall be provided if required by the Department. Said survey shall include, but is not limited to the following:
 - i. The record owner or owners of the tract.
 - ii. The party who prepared the survey.
 - iii. The party for whom the survey was prepared.
 - iv. North arrow and graphic scale
 - v. The boundary lines within the outboundary of the property with accurate distances and bearings; also all section, U.S. Survey and congressional township and range lines; and the boundary lines of municipalities; sewers, schools, and other legally established districts within and the name of or description of any of the same adjacent to or abutting on the project.
 - vi. The boundary lines of all adjoining lands and the right-of-way lines of adjacent streets and alleys with their width and names.

- vii. All survey monuments, together with the descriptions.
- viii. Certification by a land surveyor who performs the property survey to the effect that the plat represents a survey made by him, and that the locations of all required survey monuments, installed or to be installed, are correctly shown thereon. The month and year during which the survey was made shall also be shown.
- ix. The outboundary corners of the tract be tied into the State Plane Coordinate System in accordance with the Missouri Minimum Standards for Property Boundary Surveys.

4. Preliminary Development Plan, Prepared by a registered land surveyor, at any scale from one inch equals twenty (20) feet to one inch equals one hundred (100) feet in any increments of ten (10) feet from an accurate survey on one or more sheets whose maximum dimensions are thirty-six (36) inches by forty-two (42) inches. In certain unusual instances where the property is of unusual size or shape, the Department of Planning may permit a variation in the scale or size of the plan. If more than one sheet is required, a key map on Sheet No. 1 showing the entire project at reduced scale shall be provided. The Preliminary Development Plan shall at a minimum include, but is not limited to the following:

- (i) A key map showing the tract and its relation to the surrounding area.
- (ii) A north arrow and scale.
- (iii) Approximate location of all existing structures to be retained within the tract and within 225 feet thereof.
- (iv) Location of wooded areas within the tract and 225 feet thereof.
- (v) Names of the owners of all property adjoining the tract as disclosed by the most recent assessor's record.
- (vi) Existing streets, roads, and approximate location of wet and dry weather water courses, floodplain areas, sink holes, and other significant physical features within the tract and within 225 feet thereof.
- (vii) Direction of and approximate distance to the nearest major street intersection.
- (viii) Conceptual location of proposed points of access, extensions or improvements to existing streets.
- (ix) Sufficient existing contour data, at not more than 5 foot intervals, to indicate the slope and drainage of the tract and the high and low points thereof. Contour data shall extend 225 feet beyond the limits of the subdivision boundaries. Nothing herein is intended to require a physical topographic survey, U.S.G.S. generated topographic data is sufficient.
- (x) Approximate location of any historical building which exists within the boundaries of the site as identified by the St. Louis County Historic Building Commission or the Chesterfield Landmark Preservation Commission (CLPC).
- (xi) Proposed categories of uses (commercial and residential) and cumulative total square footage of commercial uses and cumulative total number of units of residential uses; and
- (xii) Other information requested by the City.

(b) *Public hearing.* A public hearing on the petition and Preliminary Development Plan shall be held by the Planning Commission in accordance with the provisions of Section 1003.300, "Procedure for Amending the Zoning Ordinance," provided, however, a public hearing shall be set within forty-five (45) days of acceptance of the petition, filing fee, and Preliminary Development Plan meeting all requirements of this Section by the Department of Planning.

(c) *Planning Commission recommendation.* No action shall be taken by the City Council with respect to the petition and the Preliminary Development Plan until it has received the recommendation of the Planning Commission. The recommendation shall address planning considerations and may include recommended Performance Standards.

5) **Procedure to Approve a Site Development Concept Plan and Section Plan(s)**. This Subsection 5) assumes the PC&R District development will be developed in phases. A Site Development Concept Plan and Section Plan(s) shall be reviewed by the Planning Commission as follows:

- (a) The Site Development Concept Plan shall assure consistency and continuity of the “downtown” concept and shall comply with the Site Specific PC&R District Ordinance, the recommendations of the Architectural Review Board as approved by the Planning Commission and the applicable provisions of the City of Chesterfield Code; any Section Plan shall comply with the Site Specific PC&R District Ordinance, the Site Development Concept Plan and the applicable provisions of the City of Chesterfield Code.
- (b) Within sixty (60) days after approval by the Planning Commission, the Site Development Concept Plan and the Site Development Section Plan(s) shall be recorded with the St. Louis County Recorder of Deeds.

6) **Procedure to Approve a Site Development Plan.** This Subsection 6) assumes the PC&R District development will not be developed in phases. A Site Development Plan shall be reviewed by the Planning Commission as follows:

- (a) The Site Development Plan shall comply with the Site Specific PC&R District Ordinance, the recommendations of the Architectural Review Board as approved by the Planning Commission and the applicable provisions of the City of Chesterfield Code.
- (b) Within sixty (60) days after approval by the Planning Commission, the Site Development Plan shall be recorded with the St. Louis County Recorder of Deeds.

7) **Procedure to Amend a Site Specific Ordinance, Site Development Plan, Site Development Concept Plan or Site Development Section Plan.** In order to amend an existing Site Specific PC&R District Ordinance or to amend the Site Development Plan, Site Development Concept Plan or a Site Development Section Plan, the procedure shall be as follows:

- (a) *To amend the site Specific PC&R District Ordinance:*
 - 1. The property owner or authorized representative shall submit a written request to amend to the City.
 - 2. A public hearing shall then be held and the request to amend shall be acted upon in accordance with the procedure herein specified in Subsection 4) for an original petition to establish a PC&R District.
- (b) *To amend the recorded Site Development Plan, Site Development Concept Plan or a Site Development Section Plan:*

1. The property owner or authorized representative shall submit a proposed amended Site Development Plan, Site Development Concept Plan or Site Development Section Plan to the City for review.
2. The proposed amendment to the Site Development Plan, Site Development Concept Plan or Site Development Section Plan shall be reviewed and approved by the Planning Commission. Said approved amended plan shall be recorded with the St. Louis County Recorder of Deeds within sixty (60) days after the Planning Commission's approval.