

**AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE 2330 AND REPLACING IT WITH A NEW ORDINANCE TO ALLOW FOR CHANGES TO THE FLOOR AREA, BUILDING REQUIREMENTS AND SETBACKS FOR A 7.8 ACRE TRACT OF LAND ZONED “PC” PLANNED COMMERCIAL DISTRICT LOCATED ON CHESTERFIELD AIRPORT ROAD ON THE SOUTHWEST CORNER OF ITS INTERSECTION WITH GODDARD AVENUE [P.Z. 13-2009 Spirit Town Center (Greenberg Development)]**

**WHEREAS**, Stock & Associates, on behalf of Greenberg Development, has requested an amendment to City of Chesterfield Ordinance 2330 to amend the Floor Area and Building Requirements and Setbacks for a 7.8 acre parcel of land zoned “PC” Planned Commercial District located on Chesterfield Airport Road on the southwest corner of its intersection with Goddard Avenue; and,

**WHEREAS**, a Public Hearing was held before the Planning Commission on October 26, 2009; and,

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

**WHEREAS**, the City Council, having considered said request voted to approve the ordinance amendment request.

**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**Section 1.** The City of Chesterfield Ordinance 2330 is hereby repealed and those conditions therein are incorporated into the Attachment A, which is attached hereto and made a part hereof for Spirit Town Center.

**Legal Description**

A tract of land being part of St. Louis Air Park, according to the plat thereof recorded in Plat Book 107, Pages 42 and 43 of St. Louis County Records, located in U.S. Surveys 150 and 122, Township 45 North, Range 3 East of the Fifth Principal Meridian, St. Louis County, Missouri.

**Section 2.** The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in the Attachment “A”, which is attached hereto and, made a part of.

**Section 3.** The City Council, pursuant to the petition filed by Fischer Stock & Associates, on behalf of Greenberg Development, in P.Z. 13-2009, requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on the 26th day of October 2009, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

**Section 4.** This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

**Section 5.** This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

FIRST READING HELD: \_\_\_\_\_

## ATTACHMENT A

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

### **I. SPECIFIC CRITERIA**

#### **A. PERMITTED USES**

1. The uses allowed in this "PC" Planned Commercial District shall be:
  - a. Animal hospitals and veterinary clinics.
  - b. Associated work and storage areas required by a business, firm, or service to carry on business operations.
  - c. Barber shops and beauty parlors.
  - d. Bookstores.
  - e. Child care centers, nursery schools, and day nurseries.
  - f. Dry cleaning drop-off and pick-up stations.
  - g. One filling station provided that no automobile, truck or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.
  - h. Film drop-off and pick-up stations.
    - i. Financial institutions.
    - j. Hotels and motels.
  - k. Medical and dental offices.
    - l. Offices or office buildings.
  - m. Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
  - n. Rental and leasing of new and used vehicles.
  - o. Restaurants, fast food, including drive-thru facilities.
  - p. Restaurants, sit down
  - q. Schools for business, professional, or technical training, but not outdoor areas for driving or heavy equipment training.

- r. Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises.
  - s. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, are being offered for sale or hire to the general public on the premises.
2. "Goods and services" as referenced above in Use "u" shall be limited to the following specific retail uses:
- a. Accounting services.
  - b. Antiques.
  - c. Apparel and accessories.
  - d. Cameras and photographic supplies.
  - e. Candy, nut and confectionery.
  - f. China, glassware, metalware.
  - g. Crafts.
  - h. Home décor.
  - i. Electronics.
  - j. Floor coverings.
  - k. Florists.
  - l. Furniture.
  - m. Furriers and fur apparel.
  - n. Gifts, novelties and souvenirs.
  - o. Wall coverings and window treatments.
  - p. Hearing aids, optical goods, orthopedic appliances and other similar devices.
  - q. Hobby supplies.
  - r. Home furnishings.
  - s. Jewelry.
  - t. Musical instruments and supplies.
  - u. Office equipment sales and service.

- v. Office supplies.
- w. Shoes.
- x. Sporting goods.
- y. Stationery.
- z. Alteration, pressing and garment repair.
- aa. Barber and beauty services.
- bb. Blueprinting and photocopying services.
- cc. Dry cleaning and laundering pickup services.
- dd. Duplicating, mailing and stenographic services.
- ee. Photo finishing services.
- ff. Postal services (private).

3. Hours of Operation.

Hours of operation for this "PC" District shall not be restricted.

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

1. Height

The maximum height of the building, exclusive of roof screening, shall not exceed forty-five (45) feet.

2. Building Requirements

- a. A minimum of Thirty (30) percent openspace is required for this development.
- b. This development shall have a maximum Floor Area Ratio (F.A.R.) of 0.35.

## **C. SETBACKS**

### **1. Structure Setbacks**

No building or structure, other than: a freestanding project identification sign, light standards, or flag poles will be located within the following setbacks:

- a. Thirty (30) feet from the right-of-way of Chesterfield Airport Road on the northern boundary of the "PC" Planned Commercial District.
- b. Thirty (30) feet from the eastern boundary of the "PC" Planned Commercial District.
- c. Ten (10) feet from the western boundary of the "PC" Planned Commercial District.
- d. Twenty (20) feet from the southern boundary of the "PC" Planned Commercial District.

### **2. Parking Setbacks**

No parking stall, loading space, internal driveway, or roadway, except points of ingress or egress, will be located within the following setbacks:

- a. Twenty (20) feet from the right-of-way of Chesterfield Airport Road on the northern boundary of the "PC" Planned Commercial District.
- b. Fifteen (15) feet from the eastern boundary of the "PC" Planned Commercial District.
- c. Ten (10) feet from the western boundary of the "PC" Planned Commercial District.
- d. Twenty (20) feet from the southern boundary of the "PC" Planned Commercial District.

## **D. PARKING AND LOADING REQUIREMENTS**

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.

### **2. Construction Parking**

- a. The streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. The developer shall keep the road clear of mud and debris at all times.
- b. Provide adequate off-street stabilized parking area(s) for construction employees and a washdown station for construction vehicles entering and leaving the site in order to eliminate the condition whereby mud from

construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

3. Parking shall be prohibited along both sides of the main driveway. Parking lot aisles, where possible, should intersect the main and minor driveways at right angles and be logically located opposite minor driveways and other parking lot aisles. The main and minor driveways shall not have speed bumps. Stop signs shall not be installed for traffic on the minor driveways that intersect the main driveways. Minor driveways shall not intersect the main driveways closer than one hundred (100) feet from the Goddard Avenue right-of-way.
4. Parking lots shall not be used as streets.

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

The developer shall adhere to the Landscape and Tree Preservation Requirements of the City of Chesterfield Code.

#### **F. SIGN REQUIREMENTS**

1. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code or a Sign Package may be submitted for the planned district. Sign Packages shall adhere to the City Code and are reviewed and approved by the City of Chesterfield Planning Commission.
2. Ornamental Entrance Monument construction or Identification Signage, if proposed, shall be reviewed by the City of Chesterfield, and/or the St. Louis County Department of Highways and Traffic, for sight distance considerations prior to installation or construction.

#### **G. LIGHT REQUIREMENTS**

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

#### **H. ARCHITECTURAL**

1. The developer shall submit architectural elevations, including but not limited to, colored renderings and building materials. Architectural information is to be reviewed by the Architectural Review Board and the Planning Commission.
2. Building facades should be articulated by using color, arrangement or change in materials to emphasize the facade elements. The planes of the exterior walls may be varied in height, depth or direction. Extremely long facades shall be designed with sufficient building articulation and landscaping to avoid a monotonous or overpowering appearance.

3. Trash enclosures: The location, material, and elevation of any trash enclosures will be as approved by the Planning Commission on the Site Development Plan. All exterior trash areas will be enclosed with a six (6) foot high sight-proof enclosure complimented by adequate landscaping approved by the City of Chesterfield on the Site Development Plan.
4. Mechanical equipment will be adequately screened by roofing or other material as approved by the City of Chesterfield.

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

1. Access to this development from Goddard Avenue shall be restricted to one (1) commercial entrance. The location of the drive access shall provide required sight distance and shall be a minimum of one hundred fifty (150) feet from the proposed right-of-way line for Chesterfield Airport Road and aligned opposite with the existing entrance as directed by the City of Chesterfield and the St. Louis County Department of Highways and Traffic.
2. If required sight distance cannot be provided at the access locations, acquisition of right-of-way, reconstruction of pavement including correction to the vertical alignment and other off-site improvements may be required to provide adequate sight distance as directed by the Saint Louis County Department of Highways and Traffic.
3. No direct access to Chesterfield Airport Road will be permitted from any lot within the subdivision.
4. Provide cross access easement(s) or other appropriate legal instrument(s) guaranteeing permanent access to the adjacent property to the west as directed.
5. Provide cross access easement(s) or other appropriate legal instrument(s) guaranteeing that all lots within this subdivision shall have access to Eads Avenue and Goddard Avenue.

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

1. Construct an eastbound right turn lane two hundred (200) feet in length on Chesterfield Airport Road at Goddard Avenue with a 10:1 inbound taper as directed by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield.
2. Construct a ten (10) foot wide shoulder adjacent to Chesterfield Airport Road along the frontage of the tract, except where it is located adjacent to the right turn lane where its width shall be six (6) feet wide, to Saint Louis County

standards, as directed by Saint Louis County Department of Highways and Traffic and the City of Chesterfield.

3. Provide the necessary right-of-way and construct an additional lane twelve (12) feet wide on Goddard Avenue from the intersection of Chesterfield Airport Road to a point a one hundred fifty (150) feet south of the proposed entrance, with a 30:1 through taper to existing pavement as directed by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield.
4. Provide additional right-of-way and construct a channelization island in the southwest quadrant of Chesterfield Airport Road and Goddard Avenue, including necessary underground signal facilities as directed by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield. Dedicate a Permanent Traffic Signal Easement (P.T.S.E.) for the future signal installation.
5. Provide a five (5) foot wide sidewalk, conforming to ADA standards, along the Chesterfield Airport Road frontage of the site adjacent to and outside of St. Louis County right-of-way within a six (6) foot wide sidewalk, maintenance and utility easement.
6. If roadways are designated to be private, these roadways shall remain private forever. Maintenance of private streets, including, but not limited to, snow removal, shall be the responsibility of the developer/subdivision. In conformance with Section 1005.265 of the Subdivision Ordinance, a disclosure statement shall be provided to all potential buyers. In conformance with Section 1005.180 of the Subdivision Ordinance, the method for providing continuous maintenance of streets and appurtenant storm sewers shall be included in the trust indentures and the record plat.

Signage indicating that the streets are private and owners are responsible for maintenance shall be posted in conformance with Section 1005.180 of the Subdivision Ordinance. Said signage shall be posted within thirty (30) days of the placement of the adjacent street pavement and maintained/replaced by the developer until such time as the subdivision trustees are residents of the subdivision, at which time the trustees shall be responsible.

7. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield and the St. Louis County Department of Highways and Traffic. No gate installation will be permitted on public right of way. .
8. If a gate is installed on a street in this development, the streets within the development or that portion of the development that is gated shall be private and remain private forever.

## **K. TRAFFIC STUDY**

Provide a traffic study as directed by the City of Chesterfield and/or St. Louis County Department of Highways and Traffic. The scope of the study shall include internal and external circulation and may be limited to site specific impacts, such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other improvements required, as long as the density of the proposed development falls within the parameters of the City's traffic model. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.

## **L. POWER OF REVIEW**

The Mayor or a Councilmember of the Ward in which a development is proposed may request that the Site Development Plan be reviewed and approved by the entire City Council. This request must be made no later than 24 hours before posting the agenda for the next City Council meeting after Planning Commission review and approval of the Site Development Plan. The City Council will then take appropriate action relative to the proposal.

## **M. STORMWATER**

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or connected to an adequate piped system. The adequacy and condition of the existing downstream systems shall be verified and upgraded if necessary.
2. Emergency overflow drainage ways to accommodate runoff from the 100-year storm event shall be provided for all storm sewers, as directed by the Department of Public Works.
3. Project approval will be required from the Monarch Chesterfield Levee District. This shall include certification that stormwater will be controlled as required by the Chesterfield Valley Master Plan.
4. If any lot is proposed to be located in an existing or proposed Special Flood Hazard Area, the lot shall be clearly labeled as being located in the floodplain on the Site Development Plan and improvement plans. If any development in, or alteration of, the floodplain is proposed, the developer shall obtain a Floodplain Development Permit from the Department of Public Works. The developer must demonstrate that the proposed work will have no adverse impact on other properties in Chesterfield Valley. The Floodplain Development Permit must be approved prior to the approval of a grading permit or improvement plans. If any change in the location of the Special Flood Hazard Area is proposed, the developer shall be required to obtain a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency. The LOMR must be issued by FEMA prior to the final issuance of an

occupancy permit and final release of any escrow for improvements in the development.

5. The lowest Reference Level (floor) of any structure, as defined by FEMA, shall be constructed a minimum of one (1) foot above the base flood elevation and a minimum of one (1) foot above the 100-year high water elevation as produced by the Chesterfield Valley Master Storm Water Plan model. The minimum elevation for the Reference Level for each lot shall be indicated on the Site Development Plan and improvement plans, and an Elevation Certificate, on the form developed by FEMA for that purpose, shall be submitted immediately after construction of each structure. Occupancy permits shall not be issued for structures for which an Elevation Certificate has not been submitted.

#### **N. SANITARY SEWER**

1. Treatment for water quality, in accordance with MSD regulation dated February 2006, shall be required.
2. Easements may be required on this site encroachments will not be allowed.
3. Downstream sanitary sewers and pump stations need to be evaluated to ensure adequate capacity. Downstream sanitary sewers and pump stations may need to be replaced or upgraded.
4. Formal plan submittal and approval will be required by the Metropolitan St. Louis Sewer District prior to the issuance of permits. Formal Plan approval is subject to the requirements of detailed review.

#### **O. GEOTECHNICAL REPORT**

Prior to Site Development Plan approval, provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the Department of Planning and Public Works. The report shall verify the suitability of grading and proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on all Site Development Plans and Improvement Plans.

#### **P. MISCELLANEOUS**

1. All utilities will be installed underground.
2. The developer is advised that utility companies will require compensation for relocation of their facilities with public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic

generation assessment contributions. The developer should also be aware of extensive delays in utility company relocation and adjustment. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.

3. An opportunity for recycling will be provided. All provisions of Chapter 25, Article VII, and Section 25-122 thru Section 25-126 of the City of Chesterfield, Missouri Code shall be required where applicable.

## **II. TIME PERIOD FOR SUBMITTAL OF SITE DEVELOPMENT CONCEPT PLANS AND SITE DEVELOPMENT PLANS**

- A. The developer shall submit a concept plan within eighteen (18) months of City Council approval of the change of zoning.
- B. In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may submit a Site Development Plan for the entire development within eighteen (18) months of the date of approval of the change of zoning by the City.
- C. Failure to comply with these submittal requirements will result in the expiration of the change of zoning and will require a new public hearing.
- D. Said Plan shall be submitted in accordance with the combined requirements for Site Development Section and Concept Plans. The submission of Amended Site Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.
- E. Where due cause is shown by the developer, this time interval for plan submittal may be extended through appeal to and approval by the Planning Commission.

## **III. COMMENCEMENT OF CONSTRUCTION**

- A. Substantial construction shall commence within two (2) years of approval of the site development concept plan or site development plan, unless otherwise authorized by ordinance.
- B. Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one additional year.

## **IV. GENERAL CRITERIA**

### **A. SITE DEVELOPMENT CONCEPT PLAN.**

1. Any site development concept plan shall show all information required on a preliminary plat as required in the City of Chesterfield Code.

2. Include a conceptual landscape plan in accordance with the City of Chesterfield Code to indicate proposed landscaping along arterial and collector roadways.
3. Include a lighting plan in accordance with the City of Chesterfield Code to indicate proposed lighting along arterial collector roadways.
4. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, the St. Louis County Department of Highways and Traffic, Monarch Chesterfield Levee District, Spirit of St. Louis Airport and the Missouri Department of Transportation.
5. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

#### **B. SITE DEVELOPMENT SECTION PLAN SUBMITTAL REQUIREMENTS**

The Site Development Section Plan shall adhere to the above criteria and to the following:

1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
2. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
3. Provide open space percentage for overall development including separate percentage for each lot on the plan.
4. Provide Floor Area Ratio (F.A.R.).
5. A note indicating all utilities will be installed underground.
6. A note indicating signage approval is separate process.
7. Depict the location of all buildings, size, including height and distance from adjacent property lines and proposed use.
8. Specific structure and parking setbacks along all roadways and property lines.
9. Indicate location of all existing and proposed freestanding monument signs.
10. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
11. Floodplain boundaries.

12. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, significant natural features, such as wooded areas and rock formations and other karst features, that are to remain or be removed.
13. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
14. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
15. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site as directed.
16. Address trees and landscaping in accordance with the City of Chesterfield Code.
17. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
18. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
19. Provide comments/approvals from the appropriate Fire District, the Metropolitan St. Louis Sewer District, Monarch Levee District, Spirit of St. Louis Airport, St. Louis Department of Highways and Traffic, and the Missouri Department of Transportation.
20. Compliance with Sky Exposure Plane.
21. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

## **V. TRUST FUND CONTRIBUTION**

- A. The developer shall be required to contribute to the Traffic Generation Assessment (TGA) to the Chesterfield Valley Trust Fund (No. 556). Traffic generation assessment contributions shall be deposited with St. Louis County prior to the issuance of building permits. If development phasing is anticipated, the developer shall provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development.

Roads

The roadway improvement contribution is based on required parking spaces. The roadway contributions are necessary to help defray the cost of engineering, right-of-way acquisition, and major roadway construction in accordance with the Chesterfield Valley Road Improvement Plan on file with the St. Louis County Department of Highways and Traffic. This contribution shall not exceed an amount established by multiplying the required parking spaces by the rate schedule below. The amount of the developer's contribution to this fund shall be computed based on the following:

<u>Type of Development</u>	<u>Required Contribution</u>
General Office	\$575.04
General Retail	\$1,725.20
Loading Space	\$2,823.08

(Parking spaces as required by the City of Chesterfield Code.)

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

If a portion of the improvements required herein are needed to provide for the safety of the traveling public, their completion as a part of this development is mandatory.

Allowable credits for roadway improvements will be awarded as directed by St. Louis County Department of Highways and Traffic and the City of Chesterfield. Sidewalk construction and utility relocation, among other items, are not considered allowable credits.

As this development is located within a trust fund area established by St. Louis County, any portion of the traffic generation assessment contribution which remains following completion of road improvements required by the development, shall be retained in the appropriate Trust Fund.

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

Water Main

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$693.85 per

acre for the total area as approved on the Site Development Plan to be used solely to help defray the cost of constructing the primary water line serving the Chesterfield Valley area.

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

#### Stormwater

The storm water contribution is based on the gross acreage of the development land area. These funds are necessary to help defray the cost of the engineering and construction improvements for the collection and disposal of storm water from the Chesterfield Valley in accordance with the Master Plan on file with and jointly approved by the St. Louis County and Metropolitan St. Louis Sewer District. The amount of the storm water contribution will be computed based on \$2,201.47 per acre for the total area as approved on the Site Development Plan. The storm water contributions to the Trust Fund shall be deposited with St. Louis County Department of Highways and Traffic. The deposit shall be made before the issuance of a Special Use Permit (S.U.P.) by St. Louis County Department of Highways and Traffic or before the issuance of buildings permits in the case where no Special Use Permit is required. Funds shall be payable to the Treasurer, St. Louis County.

#### Sanitary Sewer

The sanitary sewer contribution is collected as the Caulks Creek impact fee. This project is in the Caulks Creek surcharge area and is subject to a surcharge of \$2,750 per acre.

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

The amount of these required contributions for the roadway, storm water and primary water line improvements, if not submitted by January 1, 2010 shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accordance with the construction cost index as determined by the Saint Louis County Department of Highways and Traffic.

## **VI. RECORDING**

Within 60 days of approval of any development plan by the City of Chesterfield, the approved Plan will be recorded with the St. Louis County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval of a plan by the Planning Commission.

## **VII. ENFORCEMENT**

- A. The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Plan approved by the City of Chesterfield and the terms of this Attachment A.
- B. Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of approvals/permits by reviewing Departments and Commissions.
- C. Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in the City of Chesterfield Code.
- D. Waiver of Notice of Violation per the City of Chesterfield Code.
- E. This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.