

BILL NO. 2996

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 2 SECTION 04.B.3 AND SECTION 07 AND ARTICLE 3 SECTION 05C AND SECTION 08 OF THE UNIFIED DEVELOPMENT CODE TO AMEND DEVELOPMENT CRITERIA AND STANDARDS PERTAINING TO THE WILD HORSE OVERLAY DISTRICT (P.Z. 14-2014 CITY OF CHESTERFIELD {WILD HORSE CREEK ROAD OVERLAY 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 Wild Horse Creek Road Overlay District; and,

WHEREAS, a Public Hearing was held before the Planning Commission on August 25, 2014; and,

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

WHEREAS, the Planning and Public Works Committee, having considered said request, recommended approval with amendments pertaining to the development criteria; and,

WHEREAS, the City Council, having considered said request, voted to approve the updates to Article 2 and 3 of the Unified Development Code pertaining to the Wild Horse Creek Road Overlay District with amendments to the development criteria.

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 2 Sections 04.B.3 and Section 07 and Article 3 Section 05C and Section 08 of the Unified Development Code and replaces them with new Sections 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. 14-2014, 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 25th day of August, 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 _____, 2014.

MAYOR

ATTEST:

CITY CLERK

First Reading Held: 9/15/2014

ATTACHMENT A

UNIFIED DEVELOPMENT CODE AMENDMENTS

Amendment 1: Article 03-05C.

OVERLAY DISTRICTS AND ZONING PROCEDURES

- C. "WH" Wildhorse Creek Road Overlay District.
1. Purpose. The intent of the "WH" Wild Horse Creek Road Overlay District is to protect and maintain the scenic character of the Wild Horse Creek Road Sub Area and the adjacent neighborhoods by ensuring compatibility through site design, site plan review, and the regulation of activity upon the designated sites so that the uses of the property will not adversely affect the character of the neighborhood or the general welfare of the City.
 2. Applicability. All properties located within the Wild Horse Study Sub Area (also known as "the Bow Tie") are required to zone to the "WH" Overlay District prior to any development or redevelopment action. The properties included within this Study Area are as described and shown in the City of Chesterfield Comprehensive Plan and attached hereto marked as Exhibit A.
 3. Zoning. Properties located within the Wild Horse Study Sub Area may only seek a zoning map amendment to one of the Estate District categories. As the "WH" Overlay District is required for all properties in this sub area, properties in the sub area do not qualify for a "PUD" Planned Unit Development zoning.
 4. Scope of Provisions. This Section contains the regulations of the "WH" Overlay District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in the UDC and additional regulations as required in the underlying estate district zoning.
 5. Compatibility of Residential Uses with Airport. Zoning of land near airports raises a unique set of challenges and issues to ensure that safety of both the aircraft and the general public is achieved. This includes, but is not limited to, items such as noise, lighting, and building height. The impacts of long term noise exposure on the public's health and safety is of great importance to the City of Chesterfield. Therefore, the following airport and noise mitigation requirements shall apply to all residential development in the Wild Horse Sub Area:
 - a.) Residential development shall not be permitted on parcels located in areas with a DNL of greater than 65 as depicted on the Noise Disclosure Map. If a portion of a residential development

is located above the 65 DNL line, the area may be used as common ground, open space, or other such preservation area only.

- b.) Comments from the Spirit of St Louis Airport shall be required prior to approval of any zoning request and site development plan request.
- c.) Provide an avigation easement or other such easement as required by the Spirit of St. Louis Airport.
- d.) Sound attenuation methods through the use of site design and layout, architectural design and building materials shall be utilized and may be required in addition to other standards provided herein. This may include, but not be limited to, building height, room arrangement, window placement, building material, and orientation of residential structures.

6. Minimum Standards of Design. In addition to the development standards and district requirements required for the site in accordance with the underlying Estate District zoning, the following performance standards are applicable to the "WH" Overlay District:

- a.) Uses. Permitted and Conditional Uses for the "WH" Overlay District are found in Section 03-08 of this Article.
- b.) Community amenities such as a community center, nature preserve areas, park, lake, recreation areas, and other similar uses and amenities are required for all residential development and shall be shown on any preliminary plan and/or site development plan.
- c.) Specific design requirements are set forth in Table 1:

Table 1: Specific Design Requirements	
Building Design	Rear and side facades shall be designed with similar detailing and be compatible with the principal facades of the building.
Internal Roadway System	As development occurs in the area, an internal roadway system, complete with buffers, landscaping, pedestrian circulation, and cross access shall be required as directed by the City of Chesterfield.
Pedestrian Circulation	To achieve pedestrian circulation, all development shall include sidewalks and/or trails.
Preservation of Slopes and Natural Features	Development on slopes in excess of 20% shall be minimized to the greatest extent practicable except for necessary infrastructure and public improvements.
Protection of Historic Features	Future development shall minimize any impact to historic and heritage sites. Historic buildings and archeological sites shall be of utmost importance.

- d.) Specific development criteria requirements are set forth in Table 2. In addition, any requests for modification to any of these requirements in Table 2 shall follow the procedure set forth below:
- a. An Applicant may submit to the PDS Division a statement requesting modification to any criteria in Table 2. Said request shall include an explanation as to why the modification is being requested. Each modification request shall include an explanation statement.
 - b. Each modification request to criteria in Table 2 shall require a separate, super majority (two-thirds) vote by the City Council for approval. Therefore, the preliminary plan submitted to the Planning Commission for consideration of the zoning request, shall include a note identifying the modification request that will be made to the City Council. Approval of the zoning request by the Planning Commission is conditional upon approval by the City Council.
 - c. If one or more of the modification requests is denied by the City Council, the preliminary plan shall be amended so that it adheres to all criteria of Table 2 and sent back to the Planning Commission for consideration.

Table 2: Development Criteria	
Building Height	The building height for residential structures shall not exceed 50 feet.
Structure Setbacks	Structure setbacks shall be as established in the underlying zoning district.
Landscape Buffering	The perimeter landscape buffer required in the underlying estate district zoning category shall not be located within any developed lot with a residential structure on it. The landscape buffer may include areas of common ground or conveyed park lands.
Protection of Wild Horse Creek Road Character	To protect the scenic character of Wild Horse Creek Road, all developed lots must be set back at least fifty (50) feet from Wild Horse Creek Road right of way and screened from view. In addition, when any residential structure's rear façade fronts Wild Horse Creek Road, additional landscape buffering and vegetative screening such as landscape berms shall be provided within a permanent landscape easement to screen the view of the structure from Wild Horse Creek Road.
Common Ground	A minimum of 30% common ground shall be provided in the development. Common ground shall be deed restricted, not concentrated in one area of the development site, and not located within any developable lot. However, common ground may be concentrated in areas in a residential development which lie above the 65 DNL line. Any land conveyed for public park purposes may be counted toward the Common Ground requirement.

7. Lot Size. In order to encourage minimum grading, preservation of open space and natural amenities and topography, and provide for trails, paths and other community amenities, the minimum lot sizes for developments may be reduced with the “WH” Overlay zoning in accordance with Table 3 below:

Table 3: Minimum Lot Size Requirements		
Underlying Zoning District	Minimum Lot Size Required in Underlying Zoning District	Minimum Lot Size Permitted with WH Overlay
E-2	2 acres	1 acre
E-1	1 acre	22,000 sq ft
E-1/2	½ acre	15,000 sq ft

8. The procedure for zoning to the “WH” Overlay District and site development plan approval is established in Article 02 of this UDC.

Amendment 2: Article 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 the underlying district in this Article for additional regulations

USE GROUP	Overlay District or Special Procedure				
	FP	MAA	PUD	RBU	WH
<i>CIVIC</i>					
Church and other places of worship					P
Community center					C
Library					C
Open air performance and educational facility		p*			
Parks	P				P
Public safety facility					P
Railroad switching yard and tracks and associated structures	C				
					C
Retreat center					
Wildlife reservations and forests including conservation projects					P
Wildlife habitats and fish hatcheries	P				
<i>RESIDENTIAL</i>					
Dwelling, single-family attached					P
Dwelling, single-family detached					P
Dormitories					C
Group residential facility					C
Yard areas for single-family lots	p*				
<i>PUBLIC/RECREATIONAL</i>					
Airport	C				
Art gallery		P			
Athletic fields	C				
Boat dock for other than commercial or industrial use	P				
Cemetery					C*

USE GROUP	Overlay District or Special Procedure				
	FP	MAA	PUD	RBU	WH
Club					C*
Farming	P				
Golf courses	P				
Hunting, fishing, and propagation of wildlife	P				
Mortuary					C
Museum		P			
Recreation facility	C				
Riding stable					C
Shooting range, outdoor	P				
Swimming pools-outdoor	P				
Swimming pools-indoor	P				
Theatre		P			
Theatre, drive-in	C				
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*	
SERVICE/INDUSTRIAL					
Barber or beauty shop			p*		
Day care center			p*		C
Drug store and pharmacy			p*		
Extraction & processing of raw materials from the earth and processing thereof	C				
Hospice					C
Hospital					C
Kennel, boarding					C
Kennel, private					C
Laundromat			p*		
Nursing home					C
Open storage	C				
Tow yard	C				

USE GROUP	Overlay District or Special Procedure				
	FP	MAA	PUD	RBU	WH
EDUCATIONAL					
College/university					P
Educational facility		P			P
Kindergarten or nursery school					P
Specialized private school					C
UTILITIES					
Public utility facilities	P*				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				C

Amendment 3: Article 02-04.

PROCEDURES FOR ESTABLISHING PLANNED DISTRICTS AND SPECIAL PROCEDURES

B. Procedures.

3. Planning Commission Review and Recommendation. No action shall be taken by the City Council with respect to the petition until it has received the recommendation of the Planning Commission. The recommendation shall address the proposed development and its relation to all applicable Sections of this UDC, the City of Chesterfield Comprehensive Plan, and compatibility with adjoining permitted developments and uses. A recommendation of approval or approval as amended shall include recommended conditions to be included in the ordinance, preliminary development plan, or permit authorizing the establishment of the Planned District or Special Procedure.

Amendment 4: Article 02-07.

WILD HORSE CREEK ROAD (WH) OVERLAY DISTRICT

A. Procedure.

1. The "WH" District is established as an Overlay District. An Overlay District is a special procedure which addresses circumstances or environmental safeguards and is superimposed over the underlying existing zoning district.
2. Properties required to zone to the "WH" Overlay District per Article 03.05 of this UDC must zone to one of the Estate District zoning classifications found in Article 03 of this UDC concurrently.
3. All properties in utilizing the "WH" Overlay District shall follow the procedures set forth for establishment of special procedures or amendments thereto in Section 02-04 of this Article of the UDC.
4. Development requirements are established by the underlying zoning district, the "WH" Overlay District, and the preliminary development plan.
5. Approval of development plans or amendments thereto shall be in accordance with Article 02-10 of this UDC.