



# **Memorandum**

## **Department of Planning & Development Services**

**To:** Planning and Public Works Committee

**From:** Jessica Henry, Assistant City Planner *jh*

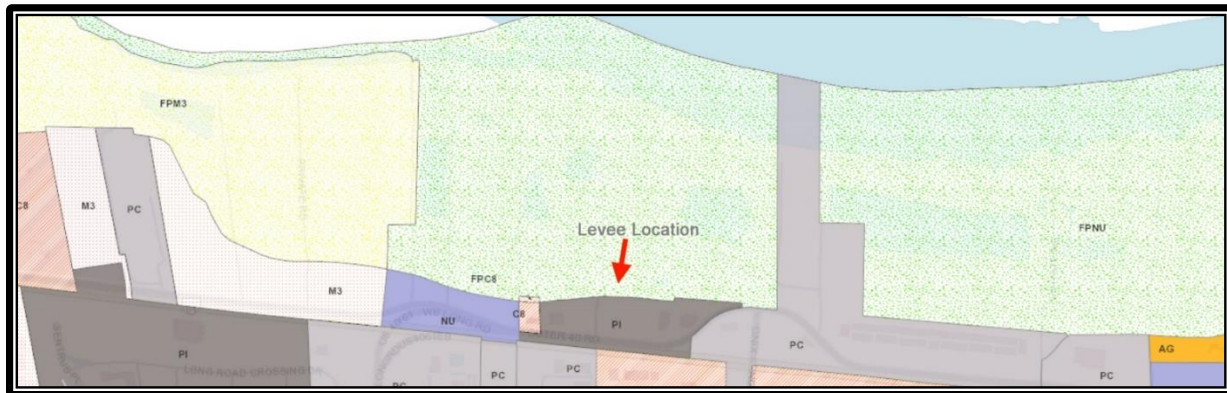
**Date:** January 10, 2019

**RE:** Unified Development Code AG District Updates

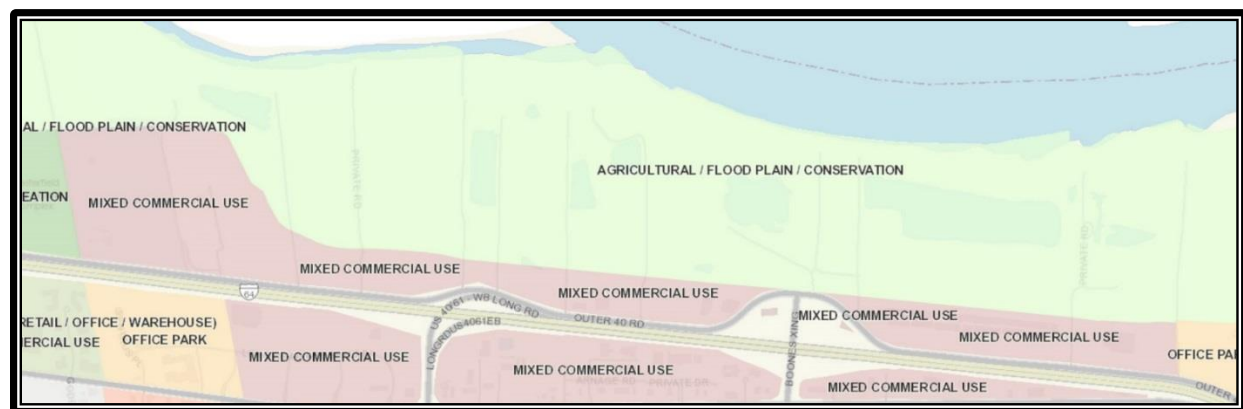
### **Summary**

The purpose of this petition is to amend the permitted and conditional uses contained within the Use Table for Nonresidential Districts for the “AG” Agricultural District. Staff was authorized to pursue these updates at the November 9, 2017 Planning and Public Works Committee meeting.

This request stems from numerous areas that are unprotected by the 500-year levee within the Chesterfield Valley. These areas are designated as “Agricultural / Flood Plain / Conservation” on the Future Land Use Map within the Comprehensive Plan. However, many of these areas are zoned either “M3” Planned Industrial District or “NU” Non-Urban District, as depicted in the zoning map image on the following page. The proposed revisions to the permitted and conditional uses of the “AG” Agricultural District would allow for more passive recreational uses as well as the current activities taking place in the area north of the Monarch Chesterfield Levee. In turn, the addition of these new uses would provide an incentive for property owners to zone away from the industrial type zoning that is currently in place in favor of the “AG” Agricultural District. This would better align the zoning designations in this area with the Comprehensive Plan’s Agricultural/Floodplain/Conservation land use designation, as shown in the images on the following page.



**Figure 1: Zoning Map**



**Figure 2: Future Land Use Map**

A Public Hearing was held for this request at the October 8, 2018 Planning Commission meeting. At that time, one member of the public spoke in favor and one spoke from a neutral standpoint. Both speakers own property, operate businesses north of the levee, and are eligible to rezone into the “AG” Agricultural District. Following the Public Hearing, Staff corresponded with these property owners to ensure that they understand the proposed revisions and how they would be impacted if they chose to file a petition to rezone their properties to the “AG” Agricultural District.

This project was presented for vote at the November 26, 2018 Planning Commission meeting, at which time the Planning Commission recommended approval with one modification by a vote of 8-0. The modification was to add “Botanical Garden” as a conditional use in the “AG” Agricultural District. This change has been incorporated into the attached Use Table for Nonresidential Districts.

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Additionally, there was discussion on the use “zoological garden” and Staff was asked about the differences between this use and “wildlife habitats, forests, conservation projects, and fish hatcheries” as these uses would pertain to a wild animal sanctuary or preserve. The following use definitions from the UDC and information are offered in response.

**Zoological garden:** An area, building, or structures, which contain wild animals on exhibition for viewing by the public.

**Wildlife habitats, forests, conservation projects, and fish hatcheries:** Lands that contain significant food, water, or cover for native terrestrial and aquatic species of animals. Examples include forests, fields, riparian areas, wetlands, and water bodies. Conservation projects: A project designed for the management of natural resources to prevent waste, destruction, or degradation.

Currently, the use “wildlife habits, etc...” is a permitted use in the “AG” Agricultural District, whereas “zoological garden” is neither a permitted nor a conditional use in this district.

If the Planning and Public Works Committee wishes to allow a *developed* wild animal sanctuary, with the structures, infrastructure, and exhibition space necessary to accommodate the public, Staff would recommend incorporating the use “zoological garden” as a conditional use in the “AG” Agricultural District. Note that the UDC defines conditional uses as “Uses which are not allowed as a matter of right within a zoning district. Conditional uses are those uses where analysis and judgment of the consequences of each development and use is necessary to preserve and to promote the public health, safety, and general welfare.”

Given the potential impacts of a zoological garden on adjacent properties, it is Staff’s opinion that the Conditional Use Permit is the appropriate mechanism should the Planning and Public Works Committee wish to add the “zoological garden” use to the “AG” Agricultural District.

However, if a passive, generally undeveloped wild animal preserve is desired, no action is necessary, as this use is already a permitted use in the “AG” Agricultural District.

A redline of the Use Table for Nonresidential Districts depicting the use changes as recommended by the Planning Commission is attached. If the Planning and Public Works Committee chooses to make additional revisions to the “AG” Agricultural District uses, Staff will prepare a Green Sheet Amendment as this project moves forward to City Council for consideration.

#### Attachments

1. Amendment to UDC Article 3 Use Table for Nonresidential Districts

Sec. 03-01. **USE TABLE FOR NON-RESIDENTIAL DISTRICTS**

**Use Table for Non-Residential Districts**

Uses:

P- Permitted

C-Conditional

\* means the use is allowed with conditions. See Section 03-04 for additional regulations

\*\* refers to light industrial type uses permitted in certain geographical areas in a PC district

<b>USE GROUP</b>	<b>ZONING DISTRICTS</b>
	<b>AG</b>
<b><i>AGRICULTURE</i></b>	
<del>Agriculture and agricultural buildings</del>	<del>P</del>
<del>Livestock raising and keeping of animals</del>	<del>P</del>
<b><i>CIVIC</i></b>	
Administrative offices for educational or religious institutions	C
Church and other places of worship	C
Community center	
Correctional institution	
Highway department garage	
Historic sites, including buildings	P
Library	
Natural or primitive areas and forests encompassed by the provisions of the Missouri State Forestry Law	P
Parks	P
Postal stations	
Public building facilities owned or leased by the City of Chesterfield	
Public safety facility	P
Railroad switching yard and tracks and associated structures	
Retreat center	C
Sales yard operated by a church, school, or other not-for-profit organization	
Wildlife habitats, forests, conservation projects and fish hatcheries	P
<b><i>RESIDENTIAL</i></b>	
Dwelling, employee	
Dwelling, single-family detached	
Dwellings, multi-family	
Home Occupation	P
Group residential facility	

USE GROUP	ZONING DISTRICTS
	<b>AG</b>
<b><i>PUBLIC/RECREATIONAL</i></b>	
Airport, public or private	C
Amusement park	
Arena and stadium	
Art gallery	
Art studio	
Athletic fields	P
Auditorium	
Banquet facility	
Botanical garden	P
Camping facility	C
Cemetery	C
Club	C
Correctional institution	
Driving ranges	
Fairground	
Farmer's market	C
Golf courses	C
Gymnasium	
Harbor, marina, and dock for water-borne vehicles including repair facilities and sales of fuel and supplies	
Heliport-public and private	
Mortuary	C
Museum	
Reading room	
Recreation facility	C
Riding stable	P
Transit transfer station	
Union halls and hiring halls	
Zoological gardens	
<b><i>OFFICE</i></b>	
Office-dental	
Office-general	
Office-medical	

USE GROUP	ZONING DISTRICTS
	<b>AG</b>
<b><i>COMMERCIAL/SALES</i></b>	
Automobile dealership	
Automotive detailing shop	
Automotive retail supply	
Bakery	
Bar	
Bowling center	
Brewery	
Brewpub	
Coffee shop	
Coffee shop, drive-thru	
Farming, livestock and stables. Farming includes cultivation and sale of crops, plants and domestic animals with no salesrooms	P
Grocery-community	
Grocery-neighborhood	
Grocery-supercenter	
Newspaper stand	
Pawnshop	
Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facility	
Restaurant-sit down	
Restaurant-fast food	
Restaurant-take out	
Retail sales establishment-community	
Retail sales establishment-neighborhood	
Retail sales establishment-regional	
Salesrooms for commercial gardens, plant nurseries, and greenhouses	C
Tackle and bait shop	
<b><i>SERVICE/INDUSTRIAL</i></b>	
Animal grooming service	
Barber or beauty shop	
Batching plant	
Blacksmith shop	
Boat (and marine supply) storage, charter, repair, sale	
Broadcasting studio	
Car wash	
Car wash, industrial	
Car wash, self service	
Check cashing facility	

USE GROUP	ZONING DISTRICTS
	<b>AG</b>
Commercial service facility	
Day care center	
Drug store and pharmacy	
Drug store and pharmacy, with drive-thru	
Dry cleaning establishment	
Dry cleaning establishment, with drive-thru	
Dry cleaning plant	
Extraction & processing of raw materials from the earth and processing thereof	<b>P</b>
Filling station and convenience store with pump stations	
Film drop-off and pick up stations	
Film processing plant	
Financial Institution, no drive-thru	
Financial Institution, drive-thru	
Heliport-public or private	
Hospice	
Hospital	
Hotel and motel	
Hotel and motel-extended stay	
Incinerator	
Industrial sales, service, and storage	
Junk or salvage yard	
Kennel, boarding	<b>P*</b>
Kennel, private	<b>P*</b>
Laboratory-professional, scientific	
Laboratory	
Laundromat	
Lumberyard	
Mail order sales warehouse	
Manufacturing, fabrication, assembly, processing, or packing except explosives or flammable gases or liquids	
Meat packing facility	
Nursing home	
Oil change facility	
Parking area (stand-alone), including garages, for automobiles. Not including sales or storage of damaged vehicles for more than 72 hours	
Professional and technical service facility	

USE GROUP	ZONING DISTRICTS
	<b>AG</b>
Research laboratory & facility	
Self-storage facility	
Sheet metal shop	
Shooting range, indoor	
Shooting range, outdoor	
Steel mill, foundry, and smelter	
Substance abuse facilities-outpatient	
Substance abuse facilities-inpatient	
Sulphur, cement, or rubber reclamation plants	
Tattoo parlor/body piercing studio	
Theatre, indoor	
Theatre, outdoor	
Tow yard	
Transit storage yard	
Transit transfer station and terminals for trucks, buses, railroads, watercraft or other modes of public transportation	
Trucks, trailers, construction equipment, agricultural equipment sales, rental, leasing, outdoor storage	
Vehicle repair and service facility	
Veterinary clinic	P
Warehouse, general	
Warehouse, wholesale or storage of live animals, explosives, or flammable gases and liquids	
Welding shop, sheet metal and blacksmith shop	
Yard for storage of contractors' equipment, materials and supplies	
<b>EDUCATIONAL</b>	
College/university	
Kindergarten or nursery school	
Specialized private school	
Vocational school	
Vocational school with outdoor training	
<b>ADULT USES</b>	
Adult bookstore	
Adult entertainment business or establishment	
Adult entertainment facility	
Adult motion picture theatre	
Bathhouse	
Massage parlor	
Modeling studio	
Specific sexual activities	
<b>UTILITIES</b>	



USE GROUP	ZONING DISTRICTS
	<b>AG</b>
Device for energy generation	<b>P</b>
Individual sewage treatment facilities	<b>P</b>
Public utility facilities	p*
Public facilities over 60 ft. in height	
Public utility transmission and distribution lines and pipelines, underground and aboveground, including booster stations	C
Radio, television, and communication transmitting, receiving, or relay towers and facilities	
Sanitary landfill	
Sewage treatment facilities, other than facilities permitted as an accessory use	C
Sewage system	
Solid waste, compost facility	
Solid waste, facility	
Solid waste, transfer facility	
Telecommunications structure	<b>P</b>
Telecommunications tower or facility	<b>P</b>