



Memorandum Department of Planning & Public Works

To: Planning and Public Works Committee

From: Shawn Seymour, Project Planner

Date: 02/04/2010

RE: **P.Z. 13-2007 City of Chesterfield (Residential Districts, Residential Tear Downs and Additions, and Planned Unit Development Ordinance):** an ordinance repealing sections 1003.105, 1003.106, 1003.107, 1003.108, 1003.109, 1003.110, 1003.112, 1003.113, 1003.115, 1003.117, 1003.119, 1003.120, 1003.120A, 1003.121, 1003.123, and 1003.125 of the City of Chesterfield Zoning Ordinance and creating new sections to address the development standards of the Residential Zoning Districts, repealing sections 1003.126A and 1003.126B of the City of Chesterfield Zoning Ordinance to create a new section 1003.126 to address Residential Tears Downs and Additions, and repealing section 1003.187 of the City of Chesterfield Zoning Ordinance to create a new section to address Planned Unit Developments.

Summary

In 2007, the Planning and Zoning Committee directed Staff to work with the Ordinance Review Committee to review the Residential Zoning districts, Residential Tear Downs and Additions Ordinance, and the Planned Environmental Unit procedure within the City of Chesterfield Zoning Ordinance. The Ordinance Review Committee studied the above referenced ordinances and created draft ordinances of which were the subject of further reviews by the Committee.

A public hearing was held at the January 26, 2009 Planning Commission meeting. At that time one issue was identified, that being the inclusion of a Floor Area Ratio standard in the residential zoning districts as well as the specific values of said standard and how they are applied to each zoning district. This issue further reviewed by the Planning Commission at their July 27, 2009 meeting. At that time the Planning Commission determined that further study of the draft ordinances were required and the project was referred back to the Ordinance Review Committee.

The Ordinance Review Committee met multiple times to discuss the issues relating to the proposed inclusion of an FAR standard. It was determined that the inclusion of an FAR standard in the residential zoning districts is unwarranted at this time and therefore has been removed from the residential zoning districts. Additionally, due to concerns relating the purpose statement of the Residential Tear Downs and Addition Ordinance and its application to proposed improvements; a modification has been made to this portion of the ordinance in an attempt to eliminate subjectiveness and to increase the language strength. Various small modifications relating to development standards and language were also made to the PUD ordinance between the date of public hearing and the final meeting regarding the PUD and ORC. However, the ordinance has been largely untouched from the version presented for Public Hearing.

P.Z. 13-2007 City of Chesterfield (Residential Zoning District, Residential Tear Down and Additions, and Planned Unit Development)

Planning & Public Works Committee

02/04/2010

On January 25, 2010 the Planning Commission again reviewed the project and by a vote of 6 – 2, passed a motion to recommend approval to the City Council.

Attached please find a copy of the Staff Report to Planning Commission, the modified Residential Zoning Districts more specifically Zoning Ordinance Sections 1003.105, 1003.106, 1003.107, 1003.108, 1003.109, 1003.110, 1003.112, 1003.113, 1003.115, 1003.117, 1003.119, 1003.120, 1003.120A, 1003.121, 1003.123, and 1003.125. Also attached are the Residential Tear Down and Additions Ordinance, Zoning Ordinance Section 1002.126 and the Planned Unit Development Ordinance, Zoning Ordinance Section 1003.187. Additionally, a memo has been attached to this packet outlining an error in language.

Respectfully submitted,



Shawn P. Seymour, AICP
Project Planner

Respectfully submitted,



Annissa McCaskill – Clay, AICP
Lead Senior Planner

CC: Michael G. Herring, City Administrator
Rob Heggie, City Attorney
Michael O. Geisel, Director of Planning & Public Works
Aimee Nassif, Planning & Development Services Director



Memorandum

Department of Planning & Public Works

To: Planning and Public Works Committee
From: Shawn Seymour, Project Planner
Date: 02/04/2010
RE: Residential Tear Downs and Additions Ordinance Correction

Summary

Within the January 25, 2010 Planning Commission Packet of petition P.Z. 13-2007 City of Chesterfield (Residential Zoning Districts, Residential Tear Down and Additions, and Planned Unit Development), specifically the Residential Tear Down and Addition Ordinance an error in language was inadvertently found. The language as read in the report states the following:

Any addition larger than one thousand (1,000) square feet and/or where the proposed addition increases the gross livable floor space by more than 30% shall be approved by the City of Chesterfield Planning Commission.

The word "or" was mistakenly included in the recent Planning Commission packet. This language is inconsistent with all versions of the draft ordinance as approved by the Ordinance Review Committee and presented to the Planning Commission. The correct language which was approved by the Ordinance Review Committee, and as presented to the Planning Commission during Public Hearing and Issues Meeting is as follows:

Any addition larger than one thousand (1,000) square feet and where the proposed addition increases the gross livable floor space by more than 30% shall be approved by the City of Chesterfield Planning Commission.

The proposed ordinance as presented for review by this Committee has been modified to include this corrected language.

Respectfully submitted,

Shawn P. Seymour, AICP
Project Planner

CC: Michael G. Herring, City Administrator
Rob Heggie, City Attorney
Michael O. Geisel, Director of Planning & Public Works
Aimee Nassif, Planning & Development Services Director



VIII.A.

690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

Planning Commission Staff Report

Subject: **Vote Report**

Meeting Date: January 25, 2010

From: Shawn Seymour, AICP Annissa McCaskill – Clay, AICP
Project Planner Lead Senior Planner

Petition: P.Z. 13-2007 City of Chesterfield (Residential Districts, Residential Tear Downs and Additions Ordinance, and Planned Unit Development Ordinance).

Proposal Summary

The City of Chesterfield is proposing a variety of modifications to the residential zoning districts, residential tear down and additions, and the Planned Environmental Unit (PEU) special procedure sections of the City of Chesterfield Zoning Ordinance. These sections are more commonly known as Zoning Ordinance Sections 1003.105, 1003.106, 1003.107, 1003.108, 1003.109, 1003.110, 1003.112, 1003.113, 1003.115, 1003.117, 1003.119, 1003.120, 1003.120A, 1003.121, 1003.123, and 1003.125. As requested by the City Council, the Ordinance Review Committee has formulated a collection of proposed modifications. A simplified list of modifications are provided below:

1. The residential zoning districts have been revised to include a common format for easier use and readability.
2. The residential tear down and additions sections of the Zoning Ordinance have been merged into one section.
3. The residential additions trigger for Planning Commission review has been modified.
4. The Planned Environmental Unit (PEU) ordinance has been replaced with Planned Unit Development (PUD) ordinance.

Proposal History

The Ordinance Review Committee along with Staff were directed by the City Council to review the above referenced ordinances. Through Ordinance Review Committee review, draft amendments to each of the above referenced documents were created proposing a variety of modifications and on February 9, 2009 a public hearing was held to present and discuss in front of the Planning Commission. At the time of public hearing an issue relating to the calibrating of the proposed Floor Area Ratio (FAR) values was identified.

The proposed FAR values were reexamined and on July 27, 2009 this petition was further discussed by the Planning Commission at an issues meeting. Additional issues relating to the FAR and its application to other ordinances were also identified at this time. The Planning Commission then requested that the FAR standard and petition be directed back to the Ordinance Review Committee for further discussion.

The Ordinance Review Committee met multiple times to discuss the issues relating to the proposed inclusion of an FAR standard. It was determined that the inclusion of an FAR standard in the residential zoning districts is unwarranted at this time and therefore has been removed from the residential zoning districts.

Due to concerns relating the purpose statement of the Residential Tear Downs and Addition Ordinance and its application to proposed improvements; a modification has been made to this portion of the ordinance in an attempt to eliminate subjectiveness and to increase the language strength. Various small modifications relating development standards and language were also made to the PUD ordinance between the date of public hearing and the final meeting regarding the PUD and ORC. However, the ordinance has been largely untouched from its version presented for Public Hearing.

Proposal Analysis

Residential Zoning Districts

Through revisions to the residential sections of the City of Chesterfield Zoning Ordinance, the common format has been lost. Differences between the "R" Residence Districts and "E" Estate Districts are apparent and are a cause of confusion when attempting to navigate through these sections of the Zoning Ordinance. A standard format for the residential zoning districts has been established and is provided below.

- A. Purpose Statement
- B. Land Uses
- C. Establishment of Zoning District
- D. Development Standards
- E. Dedications
- F. Community Character Development Standards

Residential Tear Down & Additions

The City of Chesterfield currently has two sections of the Zoning Ordinance that cover residential tear downs and additions, which essentially contain many of the same provisions and requirements. This has been revised to have both sections merged into one; thereby removing many redundancies and ensuring better readability for both functions. A modification has also been made with regards to the trigger for which an

application for a residential addition would require Planning Commission review and approval. The current trigger is a simple square footage value, where if a proposed development exceeds 500 sf., review and approval by the Planning Commission is required. This has been revised to include only those additions that exceed 1,000 sf. in size and will exceed 30% of the existing dwelling unit floor area square footage.

The Ordinance Review Committee has also noted a problematic purpose statement with regards to the draft ordinance that was carried over from the residential additions ordinance. This language included the requirement that all additions be "harmonious and compatible" with existing residential structures. The ORC found that this language was far too subjective and requested that Staff research other local government like ordinances to determine what other types of language was utilized. Staff found that most local governments chose not to include such descriptive language; rather to utilize more simple yet stronger language that required residential improvements to meet all development standards. The revised purpose statement for the Residential Tear Downs and Additions Ordinance reads as follows:

Tear downs and additions shall adhere to the development standards of the City of Chesterfield Zoning Ordinance as well as any other element of the City Code that shall be deemed applicable.

Planned Unit Development (PUD)

The City of Chesterfield currently has a Planned Environment Unit (PEU) Special Procedure. During review of proposed projects both the Planning Commission and the City Council have noted concerns regarding its complexity. As a result of these concerns, a Planned Unit Development (PUD) Special Procedure has been drafted to simplify the process and the zoning rights as granted to a developer by the City Council. The PUD ordinance is designed to provide maximum flexibility to City land development requirements and standards while ensuring that a high quality of development utilizing cutting edge residential development practices are provided to the City of Chesterfield.

As currently proposed, PUD's utilize the existing residential zoning to determine maximum permitted density. All dimensional standards are as approved at the time of granting of PUD zoning. Simply put, minimum lot sizes, setbacks, and building heights are all determined through negotiations with the Planning Commission and City Council. A land developer is no longer tied to the existing residential zoning of a particular property with regards to design, layout, and development standards.

Language has been added to the PUD ordinance to permit simultaneous petitions for zoning map amendments when an applicant is requesting PUD zoning. This action would be utilized when an applicant requests to obtain additional density units prior to obtaining PUD zoning. The language added to the PUD ordinance is as follows:

Simultaneous Change of Zoning Petitions. Where a developer or land owner wishes to request a change in the residential zoning designation prior to obtaining PUD zoning, an additional petition for a change of zoning outlining said request may be filed along with the petition for PUD zoning. The requirements for this additional petition are outlined in section 1003.300 of the City of Chesterfield Zoning Ordinance.

Request

The Ordinance Review Committee have studied the issues identified at the Public Hearing and the Issues Meetings and have made the appropriate modifications to the proposed ordinances. Staff requests action on the Residential Zoning Districts, Residential Tear Downs and Additions, and the Planned Unit Development Ordinances as written.

Motion

The following options are provided to the Planning Commission relative to this application:

1. "I move to approve (or deny) P.Z. 13-2007 Residential Zoning Districts, Residential Tear Downs and Additions, and Planned Unit Development Ordinances."
2. "I move to approve P.Z. 13-2007 Residential Zoning Districts, Residential Tear Downs and Additions, and Planned Unit Development Ordinances (Conditions may be added, eliminated, altered or modified)."

Attachments

1. Proposed Ordinances

Amendment to Section 1003.106 "LLR" Large Lot Residential

1. "LLR" Large Lot Residential District

A. Purpose. The purpose of the "LLR" District is to provide for residential uses and activities and other compatible uses and activities in areas where the normal provision of community infrastructure is not desirable or feasible.

B. Uses. Permitted, conditional, and accessory land uses are permitted as follows:

(1.) **Permitted Uses.**

- (a.) Churches and other places of worship.
- (b.) Cultivation and sale of plant crops, commercial vegetable and flower gardening as well as plant nurseries and greenhouses.
- (c.) Dwellings, single family detached.
- (d.) Educational facilities-College/University, Primary/Secondary, Kindergarten or Nursery School.
- (e.) Home occupations.
- (f.) Local public utility facilities.
- (g.) Parks and Playgrounds.
- (h.) Public Safety Facilities.
- (i.) Wildlife Reservation and Conservation Project.

(2.) **Conditional Uses.** The following uses may be permitted under conditions and requirements specified in Section 1003.181 of the Chesterfield City Code.

- (a.) Administrative offices for educational or religious facilities.
- (b.) Mortuaries and Cemeteries.
- (c.) Child Care Center, Nursery School, Day Care Home.
- (d.) Clubs or Community Centers.
- (e.) Group Living Facility.
- (f.) Nursing homes and group homes for the elderly, but not including self-care units.

- (g.) Hospitals and hospices.
 - (h.) Local public utility facilities over sixty (60) feet in height, and public utilities facilities.
 - (i.) Group Residential Facility.
 - (j.) Telecommunications Tower or Facility.
 - (k.) Retreat Center.
 - (l.) Stables, Kennels, and veterinary clinics.
 - (m.) Satellite dishes (additional to provisions of Section 1003.167.17 of the Chesterfield City Code.)
 - (n.) Sewage treatment facilities, other than facilities permitted as an accessory use.
 - (o.) Specialized private schools.
 - (p.) Golf courses.
 - (q.) Libraries.
 - (r.) Mobile home parks, on tracts of land of at least 20 acres provided that a peripheral landscaped buffer of at least 200 feet surrounds the site and no structures other than directional signs are within said landscaped buffer. Any community building, sales or rental office, or service building serving the mobile home park must be located internally within the park and must be screened from any pre-existing arterial or collector street by at least one row of lot or pads for residential use.
- (3.) **Accessory Land Uses.** Subject to compliance with the procedures of this section, accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or (unless restricted by applicable condition) a conditional land use. This is permissible when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, and serves to further the successful utilization of the primary use. Accessory uses include the following:
- (a.) Devices for the generation of energy, such as solar panels, wind generators, and similar devices.
 - (b.) Individual sewage treatment facilities serving an individual dwelling, farm, or non-residential use, as approved by the appropriate

regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.

- (c.) Private stables. (Not permitted within one hundred (100) feet of any property line with all pasture areas fenced.)
- C. Establishment. A change of zoning to "LLR" District is a straight zoning procedure and therefore no site specific ordinance is created with the change of zoning request. The procedure to establish a change of zoning to "LLR" District is as described in Section 1003.300 of the Chesterfield City Code.
- D. Development Standards. Unless otherwise specified in a site specific ordinance, the development criteria for the "LLR" District are as follows:

(1.) Minimum lot area.

- (a.) The minimum lot size for residential uses shall be three (3) acres.
- (b.) The minimum lot size for non-residential uses are listed below:

| Use | Minimum Area |
|---|---------------------|
| Churches and other places of worship | 5 acres |
| Group residential facilities | 5 acres |
| Group living facilities | 3 acres |
| Stables and Kennels | 5 acres |
| Library | 5 acres |
| Local public utility facilities | 10,000 sq. ft. |
| Mechanical sewage treatment facility | 1 acre |
| Mortuary and Cemetery (also requires 200 ft. frontage on a State Road and adjacent to existing commercial district) | 3 acres |
| Educational Facilities | |
| Primary | 5 acres |
| Junior high | 10 acres |
| Senior high | 20 acres |
| Collegiate/University | 10 acres |
| Golf Courses | 80 acres |
| All other non-residential uses | 5 acres |
| | |

(2.) Setbacks.

- (a.) No structure shall be allowed within seventy five (75) feet of any roadway right-of-way line.
- (b.) No structure shall be allowed within fifty (50) feet of any property line.

- (3.) Yard Exceptions.
 - (a.) Ordinary projections of skylights, sills, belt courses, cornices and ornamental features shall not project more than twelve (12) inches over the setback;
 - (b.) Ordinary projections of chimneys and flues, not to exceed seventy-two (72) inches in width, shall not project more than twenty-four (24) inches over the setback;
 - (c.) Roof overhangs shall not project over eighteen (18) inches over the setback, except that roof overhangs on the south side of a building may project forty-eight (48) inches to a property line;
 - (d.) Slab type porches or paved terraces having a maximum height of not more than twelve (12) inches above ground elevation at any point may project into any yard except that the projection into the front yard shall not exceed ten (10) feet;
 - (e.) Air conditioning units may extend into side or rear yards a maximum of thirty (30) inches, with air conditioning units including mounting pedestals not to exceed forty-eight (48) inches in height above ground elevation within side or rear yards.
- (4.) Minimum lot width. The minimum lot width measured at the front building setback line shall be at least 200 feet.
- (5.) Building height. The maximum building height shall be fifty (50) feet for all residential and non-residential structures unless otherwise specified in a conditional use permit. Church spires may extend to one hundred (100) feet.
- (6.) Parking and loading. Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives are set forth in Section 1003.165 of the Chesterfield City Code.
- (7.) Landscaping. Landscaping shall adhere to the Chesterfield City Code.
- (8.) Signs. Signs shall adhere to the Chesterfield City Code.
- (9.) Subdivision Standards. Single family residential development in this district is intended to conform to the standards set forth in Section 1005.135 of the Chesterfield City Code.
 - (a.) All public and private streets shall have standard right of way widths and shall be constructed to City of Chesterfield standard specifications. However, Street design for interior streets within large lot subdivisions is not required to meet the horizontal curvature and vertical profile standards of the City.

- (b.) Pavement and right-of-way widths shall be as specified by Chesterfield City Code or as directed by the Department of Public Works.
 - (c.) Large Lot Subdivisions are not required to provide sidewalks or street lights on interior streets.
- (10.) Natural Resource Protection. Natural features should be preserved at not less than the following levels:
- (a.) Floodplains– Not less than eighty percent (80%) of designated special flood hazard areas shall be preserved and shall remain undisturbed.
 - (b.) Steep slopes- not less than seventy percent (70%) of all areas exceeding a thirty percent (30%) slope shall be protected and shall remain undisturbed.

Amendment to Section 1003.107 "E-2" Estate Two Acre District

1. "E-2" Estate Two Acre District

A. Purpose. The purpose of the "E-2" District (Two Acre) is to provide for the enhancement of residential development while preserving the community character of the area with well-buffered, well-landscaped neighborhoods, and to allow for such other residentially related uses which are compatible with the character of the district.

B. Uses. Permitted, conditional, and accessory land uses are permitted as follows:

(1.) **Permitted Uses:**

(a.) Churches and other places of worship.

(b.) Dwellings, single family detached.

(c.) Educational facilities-College/University, Primary/Secondary, Kindergarten or Nursery School.

(d.) Home occupations.

(e.) Local public utility facilities, provided that any installation other than poles and equipment attached to the poles, shall be:

i. Adequately screened with landscaping, fencing or walls or any combination thereof; or

ii. Placed underground; or

iii. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

(f.) Parks and Playgrounds.

(g.) Public Safety Facilities.

(h.) Wildlife Reservation and Conservation Project.

(2.) **Conditional Uses.** The following uses may be permitted under conditions and requirements specified in Section 1003.181 of the Chesterfield City Code.

(a.) Administrative offices for educational or religious facilities.

(b.) Mortuaries and Cemeteries.

(c.) Child Care Center, Nursery School, Day Care Home.

(d.) Clubs or Community Centers.

- (e.) Group Living Facility.
 - (f.) Nursing and group homes for the elderly.
 - (g.) Hospitals and hospices.
 - (h.) Local public utility facilities over sixty (60) feet in height and public utilities facilities.
 - (i.) Group Residential Facility.
 - (j.) Telecommunications Tower or Facility.
 - (k.) Retreat center.
 - (l.) Stables and Kennels.
 - (m.) Satellite dishes (additional provisions in Section 1003.167.17 of the Chesterfield City Code)
 - (n.) Sewage facilities, other than facilities permitted as an accessory use.
 - (o.) Specialized private schools.
 - (p.) Libraries.
- (3.) **Accessory Land Uses.** Subject to compliance with the procedures of this section, accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or (unless restricted by applicable condition) a conditional land use. This is permissible when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, and serves to further the successful utilization of the primary use. Accessory uses include the following:
- (a.) Devices for generation of energy, such as solar panels, wind generators, and similar devices;
 - (b.) Individual sewage treatment facilities serving an individual dwelling, farm, or non-residential use, as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow;
 - (c.) Private stables. (Not permitted within one hundred (100) feet of any property line with all pasture areas fenced.)

C. Development Standards. The development criteria for the "E-2" Acre District are as follows:

(1.) Minimum lot area.

- (a.) The minimum lot size for residential uses shall be two (2) acres.
- (b.) The density requirement for residential uses shall be two (2) acres per home.
- (c.) The minimum lot size for non-residential uses are listed below:

| Use | Minimum Area |
|--|---------------------|
| Administrative offices for educational or religious facilities | 3 acres |
| Child Care Center, Nursery School, Day Care Home. | 3 acres |
| Churches or other places of worship | 5 acres |
| Group Living Facilities. | 5 acres |
| Group Residential Facilities. | 2 acres |
| Libraries. | 4 acres |
| Local public utility facilities | 10,000 sq. ft. |
| Sewage facilities | 1 acre |
| Mortuary and Cemeteries. (also requires 200 ft. frontage on a State Road and adjacent to existing commercial district) | 3 acres |
| Stables and kennels | 5 acres |
| Educational Facilities: | |
| Kindergarten | 3 acres |
| Primary | 5 acres |
| Junior High | 10 acres |
| Senior High | 20 acres |
| Collegiate/University | 10 acres |
| All other non-residential uses | 5 acres |

(2.) Calculating lot size.

- (a.) Streets, public or private shall not be credited to the minimum lot size. All rights-of-ways and/or access easements shall not count towards minimum lot size.

(3.) Setbacks for residential uses.

- (a.) The minimum front yard setback from any local street right-of-way shall be twenty five (25) feet.
- (b.) The minimum rear yard setback from any local street right-of-way shall be twenty five (25) feet.

- (c.) The minimum side yard setback from any property line shall be twenty five (25) feet.
 - (d.) The minimum setback between structures shall be fifty (50) feet.
 - (e.) The side yard setback may be reduced up to five (5) feet if the adjacent lot's neighboring side yard setback is increased by the same amount so the distance between structures remains at fifty (50) feet.
- (4.) Setbacks for non-residential uses.
- (a.) The minimum structure setback from collector or arterial street(s) right-of-way is one hundred fifty (150) feet.
 - (b.) The minimum structure setback from any other street(s) right-of-way shall be one hundred (100) feet.
 - (c.) The minimum structure setback from any adjacent property line shall be seventy five (75) feet.
- (5.) Yard Exceptions.
- (a.) Ordinary projections of skylights, sills, belt courses, cornices and ornamental features shall not project more than twelve (12) inches over the setback;
 - (b.) Ordinary projections of chimneys and flues, not to exceed seventy-two (72) inches in width, shall not project more than twenty-four (24) inches over the setback;
 - (c.) Roof overhangs shall not project over eighteen (18) inches over the setback, except that roof overhangs on the south side of a building may project forty-eight (48) inches to a property line;
 - (d.) Slab type porches or paved terraces having a maximum height of not more than twelve (12) inches above ground elevation at any point may project into any yard except that the projection into the front yard shall not exceed ten (10) feet;
 - (e.) Air conditioning units may extend into side or rear yards a maximum of thirty (30) inches, with air conditioning units including mounting pedestals not to exceed forty-eight (48) inches in height above ground elevation within side or rear yards.
- (6.) Pavement and right-of-way width. Pavement and right-of-way widths shall be as specified in the Chesterfield City Code or as required by the Department of Planning and Public Works. Parking, loading and internal drive requirements shall be compatible with the corresponding "R"

Residence District or as directed by the Department of Planning and Public Works.

(7.) Building height.

- (a.) The maximum building height shall be fifty (50) feet for all structures, residential and non-residential.
- (b.) Church spires may extend to one hundred (100) feet.
- (c.) Setbacks for any non-residential structure exceeding thirty (30) feet in height, other than a public utility tower authorized by conditional use permit, shall be increased by one (1) additional foot for every two (2) feet or fraction thereof of building height in excess of thirty (30) feet.

(8.) Parking and loading requirements. Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives are set forth in Section 1003.165 of the Chesterfield City Code unless otherwise specified below.

- (a.) The minimum parking lot setback from any road shall be fifty (50) feet.
- (b.) Parking lots shall be located at least fifty (50) feet further from any road than the structure is from said road.
- (c.) Parking lots shall not be located in any front, side, or rear yard setback.

(9.) Landscaping. Landscaping shall adhere to the Chesterfield City Code.

(10.) Signs. Signs shall adhere to the Chesterfield City Code.

D. Dedications for Public Schools and Public Parks. Developments may include land designated for dedication for public school or public park use. Areas designated for public school or public park purposes may be considered part of the gross acreage of the development in computing the maximum number of lots that may be created or dwelling units that may be authorized, provided that:

- (1.) The area of the proposed development shall be at least thirty (30) acres in the case of a public school dedication and sixty (60) acres in the case of a public park dedication, unless otherwise authorized or required by the City of Chesterfield.
- (2.) The proposed school site is compatible with a generalized plan for school locations published by the school district.
- (3.) Prior to approval of a site development concept plan, a written agreement between the petitioner and the school district shall be submitted to the

City of Chesterfield for review. This agreement shall indicate who is responsible for the installation of required improvements adjacent to or affecting the school site, and when the improvements will be installed.

- (4.) The proposed site is dedicated to public school or park use in a manner approved by the City Attorney as to legal form prior to recording of the site development concept plan.
- (5.) The site development concept plan identifies the boundaries of the dedicated tract within the development.
- (6.) The deed of dedication for a public park(s) or public school use shall provide that in the event the property shall no longer be used for that purpose, it will revert to the trustees of the subdivision in which it is located as common land.

E. Community Character Development Standards.

- (1.) Easements for utility or access purposes may cross any required landscape easement or buffer. If a utility or access easement runs generally parallel to and overlays a required landscape easement or buffer, the minimum required width of said required landscape easement or buffer, shall be increased by the width of the easement which overlays the required landscape easement or buffer.
- (2.) Sidewalks may be required as directed by the City of Chesterfield when all lots are one (1) acre or greater; when any lots are less than one (1) acre, sidewalks shall be required on one side of the street and shall be encouraged to "meander" from a straight path to reduce grading and save trees or to be provided in the form of pedestrian walkways linking primary activity centers or destinations. Sidewalks must be situated in a dedicated easement with access and working room to maintain the sidewalk and shall comply with all provisions of the Americans with Disabilities Act.
- (3.) Jogging trails shall be allowed in any open space or buffer area but must be coordinated with any Tree Preservation Plan.
- (4.) Natural features should be preserved at not less than the following levels:
 - (a.) Flood plains– Not less than eighty percent (80%) of all designated special flood hazard areas shall be preserved and shall remain undisturbed.
 - (b.) Steep slopes– Not less than seventy percent (70%) of all areas exceeding a thirty percent (30%) slope shall be preserved and shall remain undisturbed.

- (5.) Right-of-way grading. Lots which slope down from the right of way must have a minimum platform of four (4) feet of ground immediately adjacent to the edge of pavement which drains perpendicular and toward the pavement. Said platform shall be constructed at a grade of not less than two percent (2%) perpendicular to the pavement, except in areas adjacent to a storm sewer, where there must be a platform of not less than seven (7) feet from the edge of pavement at a grade not in excess of two percent (2%). For the purposes of this requirement, "adjacent to a storm sewer" shall mean within ten (10) feet, measured along the curb, from a storm sewer intake.
- (6.) Open swales, as opposed to enclosed systems, shall be permitted where appropriate as determined by the Department of Planning and Public Works.

Add Section 1003.108 "E-1" Estate One Acre District

1. "E-1" Estate One Acre District

A. *Purpose.* The purpose of the "E-1" District (One Acre) is to provide for the enhancement of residential development while preserving the community character of the area with well-buffered, well-landscaped neighborhoods, and to allow for such other residentially related uses which are compatible with the character of the district.

B. *Uses.* Permitted, conditional, and accessory land uses are permitted as follows:

(1.) **Permitted Uses:**

(a.) Churches and other places of worship.

(b.) Dwellings, single family detached.

(c.) Educational facilities-College/University, Primary/Secondary, Kindergarten or Nursery School.

(d.) Home occupations.

(e.) Local public utility facilities, provided that any installation other than poles and equipment attached to the poles, shall be:

i. Adequately screened with landscaping, fencing or walls or any combination thereof; or

ii. Placed underground; or

iii. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

(f.) Parks and Playgrounds.

(g.) Public Safety Facility.

(h.) Wildlife Reservation and Conservation Project.

(2.) **Conditional Uses.** The following uses may be permitted under conditions and requirements specified in Section 1003.181 of the Chesterfield City Code.

(a.) Administrative offices for educational or religious facilities.

(b.) Mortuaries and Cemeteries.

(c.) Child Care Center, Nursery School, Day Care Home.

(d.) Clubs or Community Centers.

- (e.) Group Living Facility.
 - (f.) Nursing and group homes for the elderly.
 - (g.) Hospitals and hospices.
 - (h.) Local public utility facilities over sixty (60) feet in height and public utilities facilities.
 - (i.) Group Residential Facility.
 - (j.) Telecommunications Tower or Facility.
 - (k.) Retreat center.
 - (l.) Stables and Kennels.
 - (m.) Satellite dishes (additional provisions in Section 1003.167.17 of the Chesterfield City Code)
 - (n.) Sewage facilities, other than facilities permitted as an accessory use.
 - (o.) Specialized private schools.
 - (p.) Libraries.
- (3.) **Accessory Land Uses.** Subject to compliance with the procedures of this section, accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or (unless restricted by applicable condition) a conditional land use. This is permissible when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, and serves to further the successful utilization of the primary use. Accessory uses include the following:
- (a.) Devices for generation of energy, such as solar panels, wind generators, and similar devices;
 - (b.) Individual sewage treatment facilities serving an individual dwelling, farm, or non-residential use, as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow;
 - (c.) Private stables. (Not permitted within one hundred (100) feet of any property line with all pasture areas fenced.)

- C. Development Standards. The development criteria for the "E-1" Acre District shall be as follows:

(1.) Minimum lot area.

- (a.) The minimum lot size for residential uses shall be one (1) acre.
- (b.) The density requirement for residential uses shall be one (1) acre per home.
- (c.) The minimum lot area requirements for non-residential uses are listed below:

| Use | Minimum Area |
|--|---------------------|
| Administrative offices for educational or religious facilities | 3 acres |
| Child Care Center, Nursery School, Day Care Home. | 3 acres |
| Churches or other places of worship | 5 acres |
| Group Living Facilities. | 5 acres |
| Group Residential Facilities. | 1 acre |
| Libraries. | 4 acres |
| Local public utility facilities | 10,000 sq. ft. |
| Sewage facilities | 1 acre |
| Mortuary and Cemeteries. (also requires 200 ft. frontage on a State Road and adjacent to existing commercial district) | 3 acres |
| Stables and Kennels | 5 acres |
| Educational Facilities: | |
| Kindergarten | 3 acres |
| Primary | 5 acres |
| Junior High | 10 acres |
| Senior High | 20 acres |
| Collegiate/University | 10 acres |
| All other non-residential uses | 5 acres |

(2.) Calculating lot size.

- (a.) Streets, public or private shall not be credited to the minimum lot size. All rights-of-ways and/or access easements shall not count towards minimum lot size.

(3.) Setbacks for residential uses.

- (a.) The minimum front yard setback from any local street right-of-way shall be twenty five (25) feet.

- (b.) The minimum rear yard setback from any local street right-of-way shall be twenty five (25) feet.
 - (c.) The minimum side yard setback from any property line shall be twenty five (25) feet.
 - (d.) The minimum setback between structures shall be forty (40) feet.
 - (e.) The side yard setback may be reduced up to five (5) feet if the adjacent lot's neighboring side yard setback is increased by the same amount so the distance between structures remains at forty (40) feet.
- (4.) Setbacks for non-residential uses.
- (a.) The minimum structure setback from collector or arterial street(s) right-of-way is one hundred fifty (150) feet.
 - (b.) The minimum structure setback from any other street(s) right-of-way shall be one hundred (100) feet.
 - (c.) The minimum structure setback from any adjacent property line shall be seventy five (75) feet.
- (5.) Yard Exceptions.
- (a.) Ordinary projections of skylights, sills, belt courses, cornices and ornamental features shall not project more than twelve (12) inches over the setback;
 - (b.) Ordinary projections of chimneys and flues, not to exceed seventy-two (72) inches in width, shall not project more than twenty-four (24) inches over the setback;
 - (c.) Roof overhangs shall not project over eighteen (18) inches over the setback, except that roof overhangs on the south side of a building may project forty-eight (48) inches to a property line;
 - (d.) Slab type porches or paved terraces having a maximum height of not more than twelve (12) inches above ground elevation at any point may project into any yard except that the projection into the front yard shall not exceed ten (10) feet;
 - (e.) Air conditioning units may extend into side or rear yards a maximum of thirty (30) inches, with air conditioning units including mounting pedestals not to exceed forty-eight (48) inches in height above ground elevation within side or rear yards.
- (6.) Pavement and right-of-way width. Pavement and right-of-way widths shall be as specified in Section 1005.180 of the Chesterfield City Code.

Parking, loading and internal drive requirements shall be compatible with the corresponding "R" Residence District or as directed by the Department of Planning and Public Works.

(7.) Building height.

- (a.) The maximum building height shall be fifty (50) feet for all structures; residential and non-residential.
- (b.) Church spires may extend to one hundred (100) feet.
- (c.) Any non-residential structure, other than a public utility tower authorized by conditional use permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.

(8.) Parking and loading requirements. Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives are set forth in Section 1003.165 of the Chesterfield City Code unless otherwise specified below.

- (a.) The minimum parking lot setback from any road shall be fifty (50) feet.
- (b.) Parking lots shall be located at least fifty (50) feet further from any road than the structure is from said road.
- (c.) No parking lots shall be located in any front, side, or rear yard setback.

(9.) Landscaping. Landscaping shall adhere to the City of Chesterfield Code.

(10.) Signs. Signs shall adhere to the Chesterfield City Code.

D. Dedications for Public Schools and Public Parks. Developments may include land designated for dedication for public school or public park use. Areas designated for public school or public park purposes may be considered part of the gross acreage of the development in computing the maximum number of lots that may be created or dwelling units that may be authorized, provided that:

- (1.) The area of the proposed development shall be at least thirty (30) acres in the case of a public school dedication and sixty (60) acres in the case of a public park dedication, unless otherwise authorized or required by the City of Chesterfield.
- (2.) The proposed school site is compatible with a generalized plan for school locations published by the school district.

- (3.) Prior to approval of a site development concept plan, a written agreement between the petitioner and the school district shall be submitted to the City of Chesterfield for review. This agreement shall indicate who is responsible for the installation of required improvements adjacent to or affecting the school site, and when the improvements will be installed.
- (4.) The proposed site is dedicated to public school or park use in a manner approved by the City Attorney as to legal form prior to recording of the site development concept plan.
- (5.) The site development concept plan identifies the boundaries of the dedicated tract within the development.
- (6.) The deed of dedication for a public park(s) or public school use shall provide that in the event the property shall no longer be used for that purpose, it will revert to the trustees of the subdivision in which it is located as common land.

E. Community Character Development Standards.

- (1.) Easements for utility or access purposes may cross any required landscape easement or buffer. If a utility or access easement runs generally parallel to and overlays a required landscape easement or buffer, the minimum required width of said required landscape easement or buffer, shall be increased by the width of the easement which overlays the required landscape easement or buffer.
- (2.) Sidewalks may be required as directed by the City of Chesterfield when all lots are one (1) acre or greater; when any lots are less than one (1) acre, sidewalks shall be required on one side of the street and shall be encouraged to "meander" from a straight path to reduce grading and save trees or to be provided in the form of pedestrian walkways linking primary activity centers or destinations. Sidewalks must be situated in a dedicated easement with access and working room to maintain the sidewalk and shall comply with all provisions of the Americans with Disabilities Act.
- (3.) Jogging trails shall be allowed in any open space or buffer area but must be coordinated with any Tree Preservation Plan.
- (4.) Natural features should be preserved at not less than the following levels:
 - (a.) Flood plains– Not less than eighty percent (80%) of all designated special flood hazard areas shall be preserved and shall remain undisturbed.
 - (b.) Steep slopes– Not less than seventy percent (70%) of all areas exceeding a thirty percent (30%) slope shall be preserved and shall remain undisturbed.

- (5.) Right-of-way grading. Lots which slope down from the right of way must have a minimum platform of four (4) feet of ground immediately adjacent to the edge of pavement which drains perpendicular and toward the pavement. Said platform shall be constructed at a grade of not less than two percent (2%) perpendicular to the pavement, except in areas adjacent to a storm sewer, where there must be a platform of not less than seven (7) feet from the edge of pavement at a grade not in excess of two percent (2%). For the purposes of this requirement, "adjacent to a storm sewer" shall mean within ten (10) feet, measured along the curb, from a storm sewer intake.
- (6.) Open swales, as opposed to enclosed systems, shall be permitted where appropriate as determined by the Department of Planning and Public Works.

Add Section 1003.109 "E-1/2" Estate Half Acre District

1. "E-1/2" Estate Half Acre District.

A. Purpose. The purpose of the "E-1/2" District (One-Half Acre) is to provide for the enhancement of residential development while preserving the community character of the area with well-buffered, well-landscaped neighborhoods, and to allow for such other residentially related uses which are compatible with the character of the district.

B. Uses. Permitted, conditional, and accessory land uses are permitted as follows:

(1.) **Permitted Uses:**

- (a.) Churches and other places of worship.
- (b.) Dwellings, single family detached.
- (c.) Dwellings, single family attached.
- (d.) Educational facilities-College/University, Primary/Secondary, Kindergarten or Nursery School.
- (e.) Home occupations.
- (f.) Local public utility facilities, provided that any installation other than poles and equipment attached to the poles, shall be:
 - i. Adequately screened with landscaping, fencing or walls or any combination thereof; or
 - ii. Placed underground; or
 - iii. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.
- (g.) Parks and Playgrounds.
- (h.) Public Safety Facility.
- (i.) Wildlife Reservation and Conservation Project.

(2.) **Conditional Uses.** The following uses may be permitted under conditions and requirements specified in Section 1003.181 of the Chesterfield City Code.

- (a.) Administrative offices for educational or religious facilities.
- (b.) Mortuaries and Cemeteries.
- (c.) Child Care Center, Nursery School, Day Care Home.

- (d.) Clubs or Community Centers.
 - (e.) Group Living Facility.
 - (f.) Nursing and group homes for the elderly.
 - (g.) Hospitals and hospices.
 - (h.) Local public utility facilities over sixty (60) feet in height and public utilities facilities.
 - (i.) Group Residential Facility.
 - (j.) Telecommunications Tower or Facility.
 - (k.) Retreat center.
 - (l.) Stables and Kennels.
 - (m.) Satellite dishes (additional provisions in Section 1003.167.17 of the Chesterfield City Code)
 - (n.) Sewage facilities, other than facilities permitted as an accessory use.
 - (o.) Specialized private schools.
 - (p.) Libraries.
- (3.) **Accessory Land Uses:** Subject to compliance with the procedures of this section, accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or (unless restricted by applicable condition) a conditional land use. This is permissible when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, and serves to further the successful utilization of the primary use. Accessory uses include the following:
- (a.) Devices for generation of energy, such as solar panels, wind generators, and similar devices;
 - (b.) Individual sewage treatment facilities serving an individual dwelling, farm, or non-residential use, as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow;
 - (c.) Private stables, including an indoor riding arena. (Not permitted within one hundred (100) feet of any property line with all pasture areas fenced.)

C. Development Standards. The development criteria for the "E-1/2" Acre District shall be as follows:

(1.) Minimum lot area.

- (a.) The minimum lot size for residential uses shall be one half (1/2) acre.
- (b.) The density requirement for residential uses shall be one half (1/2) acre per home.
- (c.) The minimum lot size for attached single family homes shall be 15,000 square feet.
- (d.) The minimum lot area requirements for non-residential uses are listed below:

| Use | Minimum Area |
|--|---------------------|
| Administrative offices for educational or religious facilities | 3 acres |
| Child Care Center, Nursery School, Day Care Home. | 3 acres |
| Churches or other places of worship | 3 acres |
| Group Living Facilities. | 5 acres |
| Group Residential Facilities. | 1/2 acre |
| Libraries. | 4 acres |
| Local public utility facilities | 10,000 sq. ft. |
| Sewage facilities | 1 acre |
| Mortuary and Cemeteries. (also requires 200 ft. frontage on a State Road and adjacent to existing commercial district) | 3 acres |
| Stables and Kennels | 5 acres |
| Educational Facilities: | |
| Kindergarten | 3 acres |
| Primary | 5 acres |
| Junior High | 10 acres |
| Senior High | 20 acres |
| Collegiate/University | 10 acres |
| All other non-residential uses | 5 acres |

(2.) Calculating lot size.

- (a.) Streets, public or private shall not be credited to the minimum lot size. All rights-of-ways and/or access easements shall not count towards minimum lot size.

(3.) Setbacks for residential uses.

- (a.) The minimum front yard setback from any local street right-of-way shall be twenty (20) feet.

- (b.) The minimum rear yard setback from any local street right-of-way shall be twenty (20) feet.
 - (c.) The minimum side yard setback from any property line shall be fifteen (15) feet.
 - (d.) The minimum setback between structures shall be thirty (30) feet.
 - (e.) The side yard setback may be reduced up to five (5) feet if the adjacent lot's neighboring side yard setback is increased by the same amount so the distance between structures remains at thirty (30) feet.
- (4.) Setbacks for non-residential uses.
- (a.) The minimum structure setback from collector or arterial street(s) right-of-way is one hundred fifty (150) feet.
 - (b.) The minimum structure setback from other street(s) right-of-way shall be one hundred (100) feet.
 - (c.) The minimum structure setback from any adjacent property line shall be seventy five (75) feet.
- (5.) Yard Exceptions.
- (a.) Ordinary projections of skylights, sills, belt courses, cornices and ornamental features shall not project more than twelve (12) inches over the setback;
 - (b.) Ordinary projections of chimneys and flues, not to exceed seventy-two (72) inches in width, shall not project more than twenty-four (24) inches over the setback;
 - (c.) Roof overhangs shall not project over eighteen (18) inches over the setback, except that roof overhangs on the south side of a building may project forty-eight (48) inches to a property line;
 - (d.) Slab type porches or paved terraces having a maximum height of not more than twelve (12) inches above ground elevation at any point may project into any yard except that the projection into the front yard shall not exceed ten (10) feet;
 - (e.) Air conditioning units may extend into side or rear yards a maximum of thirty (30) inches, with air conditioning units including mounting pedestals not to exceed forty-eight (48) inches in height above ground elevation within side or rear yards.

- (6.) Pavement and right-of-way width. Pavement and right-of-way widths shall be as specified in Section 1005.180 of the Chesterfield City Code. Parking, loading and internal drive requirements shall be compatible with the corresponding "R" Residence District or as directed by the Department of Planning and Public Works.
 - (7.) Building height.
 - (a.) The maximum building height shall be fifty (50) feet for all structures; residential and non-residential.
 - (b.) Church spires may extend to one hundred (100) feet.
 - (c.) Any non-residential structure, other than a public utility tower authorized by conditional use permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.
 - (8.) Parking and loading requirements. Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives are set forth in Section 1003.165 of the Chesterfield City Code unless otherwise specified below.
 - (a.) The minimum parking lot setback from any road shall be fifty (50) feet.
 - (b.) Parking lots shall be located at least fifty (50) feet further from any road than the structure is from said road.
 - (c.) No parking lots shall be located in any front, side, or rear yard setback.
 - (9.) Landscaping. Landscaping shall adhere to the City of Chesterfield Code.
 - (10.) Signs. Signs shall adhere to the Chesterfield City Code.
- D. Dedications for Public Schools and Public Parks. Developments may include land designated for dedication for public school or public park use. Area designated for public school or public park purposes may be considered part of the gross acreage of the development in computing the maximum number of lots that may be created or dwelling units that may be authorized, provided that:
- (1.) The area of the proposed development shall be at least thirty (30) acres in the case of a public school dedication and sixty (60) acres in the case of a public park dedication, unless otherwise authorized or required by the City of Chesterfield.
 - (2.) The proposed school site is compatible with a generalized plan for school locations published by the school district.

- (3.) Prior to approval of a site development concept plan, a written agreement between the petitioner and the school district shall be submitted to the City of Chesterfield for review. This agreement shall indicate who is responsible for the installation of required improvements adjacent to or affecting the school site, and when the improvements will be installed.
- (4.) The proposed site is dedicated to public school or park use in a manner approved by the City Attorney as to legal form prior to recording of the site development concept plan.
- (5.) The site development concept plan identifies the boundaries of the dedicated tract within the development.
- (6.) The deed of dedication for a public park(s) or public school use shall provide that in the event the property shall no longer be used for that purpose, it will revert to the trustees of the subdivision in which it is located as common land.

E. Community Character Development Standards.

- (1.) Easements for utility or access purposes may cross any required landscape easement or buffer. If a utility or access easement runs generally parallel to and overlays a required landscape easement or buffer, the minimum required width of said required landscape easement or buffer, shall be increased by the width of the easement which overlays the required landscape easement or buffer.
- (2.) Sidewalks may be required as directed by the City of Chesterfield when all lots are one (1) acre or greater; when any lots are less than one (1) acre, sidewalks shall be required on one side of the street and shall be encouraged to "meander" from a straight path to reduce grading and save trees or to be provided in the form of pedestrian walkways linking primary activity centers or destinations. Sidewalks must be situated in a dedicated easement with access and working room to maintain the sidewalk and shall comply with all provisions of the Americans with Disabilities Act.
- (3.) Jogging trails shall be allowed in any open space or buffer area but must be coordinated with any Tree Preservation Plan.
- (4.) Natural features should be preserved at not less than the following levels:
 - (a.) Flood plains– Not less than eighty percent (80%) of all designated special flood hazard areas shall be preserved and shall remain undisturbed.
 - (b.) Steep slopes– Not less than seventy percent (70%) of all areas exceeding a thirty percent (30%) slope shall be preserved and shall remain undisturbed.

- (5.) Right-of-way grading. Lots which slope down from the right of way must have a minimum platform of four (4) feet of ground immediately adjacent to the edge of pavement which drains perpendicular and toward the pavement. Said platform shall be constructed at a grade of not less than two percent (2%) perpendicular to the pavement, except in areas adjacent to a storm sewer, where there must be a platform of not less than seven (7) feet from the edge of pavement at a grade not in excess of two percent (2%). For the purposes of this requirement, "adjacent to a storm sewer" shall mean within ten (10) feet, measured along the curb, from a storm sewer intake.
- (6.) Open swales, as opposed to enclosed systems, shall be permitted where appropriate as determined by the Department of Planning and Public Works.

Amendment to Section 1003.111 "R-1" Residence District Regulations.

1. "R-1" Residence District Regulations.

A. Purpose. The "R-1" District is established to provide for residential dwellings and uses, to allow for such other related uses which are of a residential nature and are compatible with the character of the district, and to provide district regulations and development requirements.

B. Uses. Permitted, conditional, and accessory land uses are permitted as follows:

(1.) **Permitted Uses:**

- (a.) Churches and other places of worship.
- (b.) Cultivation and sale of plant crops, commercial vegetable and flower gardening as well as plant nurseries and greenhouses.
- (c.) Dwellings, single-family detached (including earth-sheltered).
- (d.) Educational Facilities-College/University, Primary/Secondary, Kindergarten or Nursery School.
- (e.) Farming.
- (f.) Golf courses
- (g.) Home occupations.
- (h.) Libraries.
- (i.) Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
 - i. Adequately screened with landscaping, fencing or walls, or any combination thereof; or
 - ii. Placed underground; or
 - iii. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning and Public Works for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning and Public Works.

- (j.) Parks and Playgrounds.
- (k.) Wildlife Reservation and Conservation Project.

- (2.) **Conditional Uses.** The following uses may be permitted under conditions and requirements specified in Section 1003.181 of the Chesterfield City Code.
- (a.) Administrative offices and educational or religious facilities.
 - (b.) Child Care Center, Nursery School, Day Care Home.
 - (c.) Clubs or Community Centers.
 - (d.) Group Residential Facilities.
 - (e.) Group Living Facilities.
 - (f.) Hospitals and hospices.
 - (g.) Local public utility facilities over sixty (60) feet in height, and public utility facilities.
 - (h.) Mortuaries and Cemeteries.
 - (i.) Nursing homes and group homes for the elderly. (*See section D for design requirements for this use.)
 - (j.) Public Safety Facilities.
 - (k.) Retreats Center.
 - (l.) Satellite dishes (additional provisions of Section 1003.167 of the Chesterfield City Code)
 - (m.) Sewage treatment facilities, other than facilities permitted as an accessory use.
 - (n.) Specialized private schools.
- (3.) **Accessory Land Uses.** Subject to compliance with the procedures of this section, accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or (unless restricted by applicable condition) a conditional land use. This is permissible when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, and serves to further the successful utilization of the primary use. Accessory uses include the following:
- (a.) Devices for the generation of energy, such as solar panels, wind generators, and similar devices.
 - (b.) Individual sewage treatment facilities serving an individual dwelling or non-residential use, as approved by the appropriate regulatory

agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.

- (c.) Private stables. (Not permitted within 100 feet of any property line with all pasture areas fenced).

C. Development Standards. Unless otherwise specified in a site specific ordinance, the development criteria for the "R-1" District shall be as follows:

(1.) Minimum lot area.

- (a.) The minimum lot size for residential uses shall be one (1) acre.
- (b.) The minimum lot area requirements for non-residential uses are listed below:

| Use | Minimum Area |
|--|---------------------|
| Administrative offices for educational or religious facilities | 3 acres |
| Child Care Center, Nursery School, Day Care Home. | 1 acre |
| Church and other places of worship | 3 acres |
| Group Living Facilities | 3 acres |
| Group Residential Facilities | 1 acre |
| Libraries | 3 acres |
| Local public utility facilities | 10,000 sq ft |
| Mortuaries and Cemeteries. (also requires 200 ft. frontage on a State Road and adjacent to existing commercial district) | 3 acres |
| Sewage treatment facilities | 1 acre |
| Educational Facilities: | |
| Nursery or day nursery | 1 acre |
| Kindergarten | 3 acres |
| Primary | 5 acres |
| Junior High | 10 acres |
| Senior High | 20 acres |
| Collegiate | 10 acres |
| All other non residential uses | 5 acres |

- (c.) Any lot or tract of record on the effective date of this ordinance, which contains less than one (1) acre, may be used as a site for one single-family dwelling together with accessory structures and uses.
- (d.) Clubs or community centers as approved by the Planning Commission via a conditional use permit, may be established on tracts of land less than five (5) acres where the related parking needs, outdoor facilities, size of buildings, and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the

neighborhood of the uses and developments. However, the minimum area for the conditional developments and uses shall not be less than one (1) acre.

- (e.) Police and fire stations as approved by the Planning Commission via a conditional use permit may be established on tracts of land less than five (5) acres, where the related parking needs, outdoor facilities, and size of buildings are deemed consistent with the intensity of land use in the neighborhood of these uses.
 - (f.) No new lots shall be created of less than one (1) acre in area except for police stations and local public utility facilities. Lots less than one (1) acre, created for the above uses, shall not be used for any other use and, in the event the permitted use terminates, the lot shall be established as common ground for an adjacent development or combined with an adjacent parcel or parcels by means of a boundary adjustment. Prior to the approval of a subdivision record plat creating a lot of less than one (1) acre, a deed or other legal instrument must be approved by the City Attorney and recorded with the St. Louis County Recorder of Deeds, which guarantees the required transfer of the property in the event the permitted use is terminated, with a copy to be filed with the City of Chesterfield.
 - (g.) Mechanical Sewage treatment facilities may be located on tracts of land less than one (1) acre in area where the facility is located on platted common land within a subdivision. The minimum lot area, however, shall in no case be less than ten thousand (10,000 square feet).
 - (h.) Specialized private schools shall be located on a tract of land containing one (1) acre for each fifteen (15) pupils, but in no case less than five (5) acres, nor more than that required by the school land area requirements, as listed in the table above.
- (2.) Setbacks for residential and non-residential uses.
- (a.) The minimum front yard setback from any roadway right-of-way line shall be thirty (30) feet.
 - (b.) The minimum rear yard setback from any property line shall be fifteen (15) feet.
 - (c.) The minimum side yard setback from any property line shall be fifteen (15) feet.
 - (d.) In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front

yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.

- (e.) Boundary walls, retaining walls, or fences, six (6) feet or less in height, are allowed within the minimum yard requirements.

(3.) Yard Exceptions.

- (a.) Ordinary projections of skylights, sills, belt courses, cornices and ornamental features shall not project more than twelve (12) inches over the setback;
- (b.) Ordinary projections of chimneys and flues, not to exceed seventy-two (72) inches in width, shall not project more than twenty-four (24) inches over the setback;
- (c.) Roof overhangs shall not project over eighteen (18) inches over the setback, except that roof overhangs on the south side of a building may project forty-eight (48) inches to a property line;
- (d.) Slab type porches or paved terraces having a maximum height of not more than twelve (12) inches above ground elevation at any point may project into any yard except that the projection into the front yard shall not exceed ten (10) feet;
- (e.) Air conditioning units may extend into side or rear yards a maximum of thirty (30) inches, with air conditioning units including mounting pedestals not to exceed forty-eight (48) inches in height above ground elevation within side or rear yards.

(4.) Pavement and lot widths.

- (a.) Pavement and right-of-way widths shall be as specified in Section 1005.180 of the Chesterfield City Code.
- (b.) If a lot of record existing on the effective date of this ordinance has a width of sixty (60) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.

- (5.) Corner lots. Notwithstanding any other provision of this City Code, on corner lots, no structure or plant material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the site distance triangle.

(6.) Height.

- (a.) No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed three (3) stories or forty-five (45) feet in height, whichever is less.
- (b.) All other structures, other than a public utility tower authorized by a conditional use permit, shall not exceed sixty (60) feet in height above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in the Chesterfield City Code "Air Navigation Space Regulations".
- (c.) Public utility towers may be erected to any height not in conflict with the provisions of the Chesterfield City Code, "Air Navigation Space Regulations".
- (d.) Any non-residential structure, other than a public utility tower authorized by a conditional use permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.

(7.) Lighting. Light standards for street lighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the minimum front yard setback when approved by the Department of Planning and Public Works. Light standards for parking lot lighting are allowed no closer than ten (10) feet of any side or rear yard line which adjoins property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" Residence District.

(8.) Landscaping. Landscaping shall adhere to the Chesterfield City Code.

(9.) Signs. Signs shall adhere to the Chesterfield City Code. Permitted information signs, six (6) feet or less in height, are allowed within the minimum front yard setback. Permitted directional signs, three (3) feet or less in height are allowed within the minimum front yard setback.

(10.) Off-street parking and loading requirements. Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives shall comply with the Chesterfield City Code.

(11.) All uses shall operate in conformity with the appropriate performance standards contained in Chesterfield City Code.

D. Density, height and yard requirements for Nursing Homes.

- (1.) Densities of self-care units shall not exceed ten (10) units per acre.

- (2.) No building within a nursing home development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, which ever is less.
- (3.) No building within a nursing home development shall be allowed within a minimum of fifty (50) feet of any property line.
- (4.) Accessory commercial uses in the form of limited service and retail commercial uses, not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one (1) self-care building, shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber and beauty shop, food or drug store, laundry or dry-cleaning pick-up, and newspaper stand and card shop.

E. *Development Standards for Residential Substance Abuse Treatment Centers.*

- (1.) Densities shall not exceed eight (8) resident patients and two (2) house parents or support staff, per facility for lots less than five (5) acres.
- (2.) No building when a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
- (3.) No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.
- (4.) Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.

Amendment to Section 1003.112 "R-1A" Residence District Regulations.

1. "R-1A" Residence District Regulations.

A. Purpose. The "R-1A" District is established to provide for residential dwellings and uses, to allow for such other related uses which are of a residential nature and are compatible with the character of the district, and to provide district regulations and development requirements.

B. Uses. Permitted, conditional, and accessory land uses are permitted as follows:

(1.) **Permitted Uses:**

- (a.) Churches and other places of worship.
- (b.) Dwellings, single-family detached.
- (c.) Educational Facilities-College/University, Primary/Secondary, Kindergarten or Nursery School.
- (d.) Golf courses
- (e.) Home occupations.
- (f.) Libraries.
- (g.) Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
 - i. Adequately screened with landscaping, fencing or walls, or any combination thereof; or
 - ii. Placed underground; or
 - iii. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning and Public Works for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning and Public Works.

- (h.) Parks and Playgrounds.
- (i.) Wildlife Reservation and Conservation Project.

(2.) **Conditional Uses.** The following uses may be permitted under conditions and requirements specified in Section 1003.181 of the Chesterfield City Code.

- (a.) Administrative offices and educational or religious facilities.

- (b.) Child Care Center, Nursery School, Day Care Home.
 - (c.) Clubs or Community Centers.
 - (d.) Group Residential Facilities.
 - (e.) Group Living Facilities.
 - (f.) Hospitals and hospices.
 - (g.) Local public utility facilities over sixty (60) feet in height, and public utility facilities.
 - (h.) Mortuaries and Cemeteries.
 - (i.) Nursing homes and group homes for the elderly. (*See section D for design requirements for this use.)
 - (j.) Public Safety Facilities.
 - (k.) Retreats Center.
 - (l.) Satellite dishes (additional provisions of Section 1003.167 of the Chesterfield City Code)
 - (m.) Sewage treatment facilities, other than facilities permitted as an accessory use.
 - (n.) Specialized private schools.
- (3.) **Accessory Land Uses.** Subject to compliance with the procedures of this section, accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or (unless restricted by applicable condition) a conditional land use. This is permissible when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, and serves to further the successful utilization of the primary use. Accessory uses include the following:
- (a.) Devices for the generation of energy, such as solar panels, wind generators, and similar devices.
 - (b.) Individual sewage treatment facilities serving an individual dwelling or non-residential use, as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.
 - (c.) Private stables. (Not permitted within 100 feet of any property line with all pasture areas fenced).

C. *Development Standards.* Unless otherwise specified in a site specific ordinance, the development criteria for the "R-1A" District shall be as follows:

(1.) *Minimum lot area.*

- (a.) The minimum lot size for residential uses shall be 22,000 square feet.
- (b.) The minimum lot area requirements for non residential uses are listed below:

| USE | MINIMUM LOT SIZE |
|--|-------------------------|
| Administrative offices for educational or religious facilities | 3 acres |
| Child Care Center, Nursery School, Day Care Home. | 30,000 sq.ft. |
| Churches and other places of worship | 3 acres |
| Group Living Facilities | 3 acres |
| Group Residential Facilities | 1 acre |
| Library | 3 acres |
| Local public utility facilities | 10,000 sq ft |
| Mortuaries and cemeteries. (also requires 200 ft. frontage on State Rd and adjacent to existing commercial district) | 3 acres |
| Sewage treatment facilities | 1 acre |
| Educational Facilities: | |
| Nursery or day nursery | 1 acre |
| Kindergarten | 3 acres |
| Primary | 5 acres |
| Junior High | 10 acres |
| Senior High | 20 acres |
| Collegiate | 10 acres |
| All other non residential uses | 5 acres |

- (c.) Any lot or tract of record on the effective date of this ordinance, which contains less than 22,000 square feet, may be used as a site for one single-family dwelling together with accessory structures and uses.
- (d.) Clubs or community centers as approved by the Planning Commission via a conditional use permit, may be established on tracts of land less than five (5) acres where the related parking needs, outdoor facilities, size of buildings, and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than 22,000 square feet.
- (e.) Police and fire stations as approved by the Planning Commission via a conditional use permit may be established on tracts of less than five

(5) acres, where the related parking needs, outdoor facilities, and size of buildings are deemed consistent with the intensity of land use in the neighborhood of these uses.

- (f.) No new lots shall be created of less than one (1) acre in area except for police stations and local public utility facilities. Lots of less one (1) acre, created for the above uses, shall not be used for any other use and, in the event the permitted use terminates, the lot shall be established as common ground for an adjacent development or combined with an adjacent parcel or parcels by means of a boundary adjustment. Prior to the approval of a subdivision record plat creating a lot of less than one (1) acre, a deed or other legal instrument must be approved by the City Attorney and recorded with the St. Louis County Recorder of Deeds, which guarantees the required transfer of the property in the event the permitted use is terminated, with a copy to be filed with the City of Chesterfield.
- (g.) Mechanical Sewage treatment facilities may be located on tracts of land less than 22,000 square feet in area where the facility is located on platted common land within a subdivision. The minimum lot area, however, shall in no case be less than ten thousand (10,000 square feet).
- (h.) Specialized private schools shall be located on a tract of land containing one (1) acre for each fifteen (15) pupils, but in no case less than five (5) acres, nor more than that required by the school land area requirements, as listed in the table above.

(2.) Setbacks for residential and non-residential uses.

- (a.) The minimum front yard setback from any roadway right-of-way line shall be twenty five (25) feet.
- (b.) The minimum rear yard setback from any property line shall be twelve (12) feet.
- (c.) The minimum side yard setback from any property line shall be fifteen (15) feet.
- (d.) In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.

- (e.) Boundary walls, retaining walls, or fences, six (6) feet or less in height, are allowed within the minimum yard requirements.

(3.) Yard Exceptions.

- (a.) Ordinary projections of skylights, sills, belt courses, cornices and ornamental features shall not project more than twelve (12) inches over the setback;
- (b.) Ordinary projecting of chimneys and flues, not to exceed seventy-two (72) inches in width, shall not project more than twenty-four (24) inches over the setback;
- (c.) Roof overhangs shall not project over eighteen (18) inches over the setback, except that roof overhangs on the south side of a building may project forty-eight (48) inches to a property line;
- (d.) Slab type porches or paved terraces having a maximum height of not more than twelve (12) inches above ground elevation at any point may project into any yard except that the projection into the front yard shall not exceed ten (10) feet;
- (e.) Air conditioning units may extend into side or rear yards a maximum of thirty (30) inches, with air conditioning units including mounting pedestals not to exceed forty-eight (48) inches in height above ground elevation within side or rear yards.

(4.) Pavement and lot widths.

- (a.) Pavement and right-of-way widths shall be as specified in Section 1005.180 of the Chesterfield City Code.
- (b.) If a lot of record existing on the effective date of this ordinance has a width of seventy (70) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.

(5.) Corner lots. Notwithstanding any other provision of this City Code, on corner lots, no structure or plant material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the site distance triangle.

(6.) Height.

- (a.) No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed three (3) stories or forty-five (45) feet in height, whichever is less.

- (b.) All other structures, other than a public utility tower authorized by a conditional use permit, shall not exceed sixty (60) feet in height above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in the Chesterfield City Code "Air Navigation Space Regulations".
 - (c.) Public utility towers may be erected to any height not in conflict with the provisions of the Chesterfield City Code, "Air Navigation Space Regulations"
 - (d.) Any non-residential structure, other than a public utility tower authorized by a conditional use permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.
- (7.) Lighting. Light standards for street lighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the minimum front yard setback when approved by the Department of Planning and Public Works. Light standards for parking lot lighting are allowed no closer than ten (10) feet of any side or rear yard line which adjoins property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" District.
- (8.) Landscaping. Landscaping shall adhere to the Chesterfield City Code.
- (9.) Signs. Signs shall adhere to the Chesterfield City Code. Permitted information signs, six (6) feet or less in height, are allowed within the minimum front yard setback. Permitted directional signs, three (3) feet or less in height are allowed within the minimum front yard setback.
- (10.) Off-street parking and loading requirements. Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives shall comply with the Chesterfield City Code "Off Street Parking and Loading Requirements".
- (11.) All uses shall operate in conformity with the appropriate performance standards contained in Chesterfield City Code, "Zoning Performance Standard Regulations".

D. Development Standards for Nursing Homes.

- (1.) No building within a nursing home development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, which ever is less.
- (2.) No building within a nursing home development shall be allowed within a minimum of fifty (50) feet of any property line.

- (3.) Accessory commercial uses in the form of limited service and retail commercial uses, not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one self-care building, shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber and beauty shop, floor or drug store, laundry or dry-cleaning pick-up, and newspaper stand and card shop.

E. *Development Standards for Residential Substance Abuse Treatment Centers.*

- (1.) Densities shall not exceed eight (8) resident patients and two (2) house parents or support staff, per facility for lots less than five (5) acres.
- (2.) No building when a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
- (3.) No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.
- (4.) Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.

Amendment to Section 1003.113 "R-2" Residence District Regulations.

1. "R-2" Residence District Regulations.

A. Purpose. The "R-2" District is established to provide for residential dwellings and uses, to allow for such other related uses which are of a residential nature and are compatible with the character of the district, and to provide district regulations and development requirements.

B. Uses. Permitted, conditional, and accessory land uses are permitted as follows:

(1.) **Permitted Uses:**

(a.) Churches and other places of worship.

(b.) Dwellings, single-family detached.

(c.) Educational Facilities-College/University, Primary/Secondary, Kindergarten or Nursery School.

(d.) Golf courses

(e.) Home occupations.

(f.) Libraries.

(g.) Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:

- i. Adequately screened with landscaping, fencing or walls, or any combination thereof; or
- ii. Placed underground; or
- iii. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning and Public Works for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning and Public Works.

(h.) Parks and Playgrounds.

(i.) Wildlife Reservation and Conservation Project.

(2.) **Conditional Uses.** The following uses may be permitted under conditions and requirements specified in Section 1003.181 of the Chesterfield City Code.

(a.) Administrative offices and educational or religious facilities.

- (b.) Child Care Center, Nursery School, Day Care Home.
 - (c.) Clubs or Community Centers.
 - (d.) Group Residential Facilities.
 - (e.) Group Living Facilities.
 - (f.) Hospitals and hospices.
 - (g.) Local public utility facilities over sixty (60) feet in height, and public utility facilities.
 - (h.) Mortuaries and Cemeteries.
 - (i.) Nursing homes and group homes for the elderly. (*See section D for design requirements for this use.)
 - (j.) Public Safety Facilities.
 - (k.) Retreats Center.
 - (l.) Satellite dishes (additional provisions of Section 1003.167 of the Chesterfield City Code)
 - (m.) Sewage treatment facilities, other than facilities permitted as an accessory use.
 - (n.) Specialized private schools.
- (3.) **Accessory Land Uses.** Subject to compliance with the procedures of this section, accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or (unless restricted by applicable condition) a conditional land use. This is permissible when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, and serves to further the successful utilization of the primary use. Accessory uses include the following:
- (a.) Devices for the generation of energy, such as solar panels, wind generators, and similar devices.
 - (b.) Individual sewage treatment facilities serving an individual dwelling or non-residential use, as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.
 - (c.) Private stables. (Not permitted within 100 feet of any property line with all pasture areas fenced).

C. *Development Standards.* Unless otherwise specified in a site specific ordinance, the development criteria for the "R-2" District shall be as follows:

(1.) *Minimum lot area.*

- (a.) The minimum lot size for residential uses shall be 15,000 square feet.
- (b.) The minimum lot area requirements for non residential uses are listed below:

| USE | MINIMUM LOT SIZE |
|--|-------------------------|
| Child Care Center, Nursery School, Day Care Home. | 30,000 sq ft |
| Churches and other places of worship | 3 acres |
| Group residential facilities | 3 acres |
| Group living facilities | 15,000 sq ft |
| Library | 1 acre |
| Local public utility facilities | 10,000 sq ft |
| Mortuaries and Cemeteries(also requires 200 ft. frontage on State Rd and adjacent to existing commercial district) | 3 acres |
| Educational Facilities: | |
| Nursery or day nursery | 15,000 sq ft |
| Kindergarten | 1 acre |
| Primary | 5 acres |
| Junior High | 10 acres |
| Senior High | 20 acres |
| Collegiate | 10 acres |
| All other non residential uses | 5 acres |

- (c.) Any lot or tract of record on the effective date of this ordinance, which contains less than fifteen thousand (15,000) square feet, may be used as a site for one single-family dwelling together with accessory structures and uses.
- (d.) Clubs or Community Centers, as approved by the Planning Commission via a conditional use permit, may be established on tracts of land less than five (5) acres where the related parking needs, outdoor facilities, size of buildings, and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than fifteen thousand (15,000) square feet.
- (e.) Police and fire stations as approved by the Planning Commission via a conditional use permit may be established on tracts of less than five (5) acres, where the related parking needs, outdoor facilities, and size of buildings are deemed consistent with the intensity of land use in the neighborhood of these uses.

- (f.) No new lots shall be created of less than fifteen thousand (15,000) square feet in area except for police stations and local public utility facilities. Lots of less than fifteen thousand (15,000) square feet, created for the above uses, shall not be used for any other use and, in the event the permitted use terminates, the lot shall be established as common ground for an adjacent development or combined with an adjacent parcel or parcels by means of a boundary adjustment. Prior to the approval of a subdivision record plat creating a lot of less than fifteen thousand (15,000) square feet, a deed or other legal instrument must be approved by the City Attorney and recorded with the St. Louis County Recorder of Deeds, which guarantees the required transfer of the property in the event the permitted use is terminated, with a copy to be filed with the City of Chesterfield.

(2.) Setbacks for residential and non-residential uses.

- (a.) The minimum front yard setback from any roadway right-of-way line shall be twenty-five (25) feet.
- (b.) The minimum rear yard setback from any property line shall be fifteen (15) feet.
- (c.) The minimum side yard setback from any property line shall be ten (10) feet.
- (d.) In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.
- (e.) Boundary walls, retaining walls, or fences, six (6) feet or less in height, are allowed within the minimum yard requirements.

(3.) Yard Exceptions.

- (a.) Ordinary projections of skylights, sills, belt courses, cornices and ornamental features shall not project more than twelve (12) inches over the setback;
- (b.) Ordinary projecting of chimneys and flues, not to exceed seventy-two (72) inches in width, shall not project more than twenty-four (24) inches over the setback;

- (c.) Roof overhangs shall not project over eighteen (18) inches over the setback, except that roof overhangs on the south side of a building may project forty-eight (48) inches to a property line;
 - (d.) Slab type porches or paved terraces having a maximum height of not more than twelve (12) inches above ground elevation at any point may project into any yard except that the projection into the front yard shall not exceed ten (10) feet;
 - (e.) Air conditioning units may extend into side or rear yards a maximum of thirty (30) inches, with air conditioning units including mounting pedestals not to exceed forty-eight (48) inches in height above ground elevation within side or rear yards.
- (4.) Pavement and lot widths.
- (a.) Pavement and right-of-way widths shall be as specified in Section 1005.180 of the Chesterfield City Code.
 - (b.) If a lot of record existing on the effective date of this ordinance has a width of sixty (60) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.
- (5.) Corner lots. Notwithstanding any other provision of this City Code, on corner lots, no structure or plant material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the site distance triangle.
- (6.) Height.
- (a.) No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed three (3) stories or forty-five (45) feet in height, whichever is less.
 - (b.) All other structures, other than a public utility tower authorized by a conditional use permit, shall not exceed sixty (60) feet in height above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in Section 1003.161 of the Chesterfield City Code.
 - (c.) Any non-residential structure, other than a public utility tower authorized by a conditional use permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.
- (7.) Lighting. Light standards for street lighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the

minimum front yard setback when approved by the Department of Planning and Public Works. Light standards for parking lot lighting are allowed no closer than ten (10) feet of any side or rear yard line which adjoins property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" District.

- (8.) Landscaping. Landscaping shall adhere to the Chesterfield City Code.
- (9.) Signs. Signs shall adhere to the Chesterfield City Code. Permitted information signs, six (6) feet or less in height, are allowed within the minimum front yard setback. Permitted directional signs, three (3) feet or less in height are allowed within the minimum front yard setback.
- (10.) Off-street parking and loading requirements. Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives shall comply with the Chesterfield City Code.
- (11.) All uses shall operate in conformity with the appropriate performance standards contained in Section 1003.163 of the Chesterfield City Code.

D. Development Standards for Nursing Homes.

- (1.) Densities of self-care units shall not exceed fifteen (15) units per acre.
- (2.) No building within a nursing home development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, which ever is less.
- (3.) No building within a nursing home development shall be allowed within a minimum of fifty (50) feet of any property line.
- (4.) Accessory commercial uses in the form of limited service and retail commercial uses, not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one self-care building, shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber and beauty shop, floor or drug store, laundry or dry-cleaning pick-up, and newspaper stand and card shop.

E. Development Standards for Residential Substance Abuse Treatment Centers.

- (1.) Densities shall not exceed eight (8) resident patients and two (2) house parents or support staff, per facility for lots less than five (5) acres.
- (2.) No building when a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45)

feet above the average ground elevation at the perimeter of the building, whichever is less.

- (3.) No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.
- (4.) Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.

Amendment to Section 1003.115 "R-3" Residence District Regulations.

1. "R-3" Residence District Regulations.
 - A. Purpose. The "R-3" District is established to provide for residential dwellings and uses, to allow for such other related uses which are of a residential nature and are compatible with the character of the district, and to provide district regulations and development requirements.
 - B. Uses. Permitted, conditional, and accessory land uses are permitted as follows:
 - (1.) **Permitted Uses:**
 - (a.) Churches and other places of worship.
 - (b.) Dwellings, single-family detached.
 - (c.) Educational Facilities-College/University, Primary/Secondary, Kindergarten or Nursery School.
 - (d.) Golf courses.
 - (e.) Home occupations.
 - (f.) Libraries.
 - (g.) Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
 - i. Adequately screened with landscaping, fencing or walls, or any combination thereof; or
 - ii. Placed underground; or
 - iii. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning and Public Works for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning and Public Works.
 - (h.) Parks and Playgrounds.
 - (i.) Public Safety Facilities.
 - (2.) **Conditional Uses.** The following uses may be permitted under conditions and requirements specified in Section 1003.181 of the Chesterfield City Code.
 - (a.) Administrative offices and educational or religious facilities.

- (b.) Child Care Center, Nursery School, Day Care Home.
 - (c.) Clubs or Community Centers.
 - (d.) Group Residential Facilities.
 - (e.) Group Living Facilities.
 - (f.) Hospitals and hospices.
 - (g.) Local public utility facilities over sixty (60) feet in height, and public utility facilities.
 - (h.) Mortuaries and Cemeteries.
 - (i.) Mobile Home Parks.
 - (j.) Nursing homes and group homes for the elderly. (*See section D for design requirements for this use).
 - (k.) Retreats Center.
 - (l.) Satellite dishes (additional provisions of Section 1003.167 of the Chesterfield City Code).
 - (m.) Sewage treatment facilities, other than facilities permitted as an accessory use.
 - (n.) Specialized private schools.
- (3.) **Accessory Land Uses.** Subject to compliance with the procedures of this section, accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or (unless restricted by applicable condition) a conditional land use. This is permissible when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, and serves to further the successful utilization of the primary use. Accessory uses include the following:
- (a.) Devices for the generation of energy, such as solar panels, wind generators, and similar devices.
 - (b.) Individual sewage treatment facilities serving an individual dwelling or non-residential use, as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.

- C. Development Standards. Unless otherwise specified in a site specific ordinance, the development criteria for the "R-3" District shall be as follows:

(1.) Minimum lot area.

- (a.) The minimum lot size for residential uses shall be 10,000 square feet.
- (b.) The minimum lot area requirements for non residential uses are listed below:

| USE | MINIMUM LOT SIZE |
|--|--|
| Child Care Center, Nursery School, Day Care Home. | 30,000 sq ft |
| Churches and other places of worship | 1 acre |
| Group Residential Facilities | 3 acres |
| Group Living Facilities | 10,000 sq ft |
| Library | 1 acre |
| Local public utility facilities | 10,000 sq ft |
| Mortuary and cemeteries. (also requires 200 ft. frontage on State Rd and adjacent to existing commercial district) | 3 acres |
| Mobile Home Parks | 20 acres with an average of at least 10,000 sq. ft. per unit |
| Educational Facilities: | |
| Nursery or day nursery | 15,000 sq ft |
| Kindergarten | 1 acre |
| Primary | 5 acres |
| Junior High | 10 acres |
| Senior High | 20 acres |
| Collegiate | 10 acres |
| All other non residential uses | 5 acres |

- (c.) Any lot or tract of record on the effective date of this ordinance, which contains less than ten thousand (10,000) square feet, may be used as a site for one single-family dwelling together with accessory structures and uses.
- (d.) Clubs or Community Centers, as approved by the Planning Commission via a conditional use permit, may be established on tracts of land less than five (5) acres where the related parking needs, outdoor facilities, size of buildings, and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than ten thousand (10,000) square feet.
- (e.) Specialized private schools shall be located on a tract land containing one acre for each fifteen (15) pupils, but in no case less than five (5) acres, nor more than that required by the school land area requirements, as listed in section b. above.

(2.) Setbacks for residential and non-residential uses.

- (a.) The minimum front yard setback from any roadway right-of way line shall be twenty (20) feet.
- (b.) The minimum rear yard setback from any property line shall be fifteen (15) feet.
- (c.) The minimum side yard setback from any property line shall be eight (8) feet.
- (d.) In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot, for a distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.
- (e.) Boundary walls, retaining walls, or fences, six (6) feet or less in height, are allowed within the minimum yard requirements.

(3.) Yard Exceptions.

- (a.) Ordinary projections of skylights, sills, belt courses, cornices and ornamental features shall not project more than twelve (12) inches over the setback.
- (b.) Ordinary projecting of chimneys and flues, not to exceed seventy-two (72) inches in width, shall not project more than twenty-four (24) inches over the setback.
- (c.) Roof overhangs shall not project over eighteen (18) inches over the setback, except that roof overhangs on the south side of a building may project forty-eight (48) inches to a property line.
- (d.) Slab type porches or paved terraces having a maximum height of not more than twelve (12) inches above ground elevation at any point may project into any yard except that the projection into the front yard shall not exceed ten (10) feet.
- (e.) Air conditioning units may extend into side or rear yards a maximum of thirty (30) inches, with air conditioning units including mounting pedestals not to exceed forty-eight (48) inches in height above ground elevation within side or rear yards.

- (4.) Pavement and lot widths.
- (a.) Pavement and right-of-way widths shall be as specified in Section 1005.180 of the Chesterfield City Code.
 - (b.) If a lot of record existing on the effective date of this ordinance has a width of sixty (60) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten percent (10%) of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.
- (5.) Corner lots. Notwithstanding any other provision of this City Code, on corner lots, no structure or plant material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the site distance triangle.
- (6.) Height.
- (a.) No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed three (3) stories or forty-five (45) feet in height, whichever is less.
 - (b.) All other structures, other than a public utility tower authorized by a conditional use permit, shall not exceed sixty (60) feet in height above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in Section 1003.161 of the Chesterfield City Code.
 - (c.) Any non-residential structure, other than a public utility tower authorized by a conditional use permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.
- (7.) Lighting. Light standards for street lighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the minimum front yard setback when approved by the Department of Planning and Public Works. Light standards for parking lot lighting are allowed no closer than ten (10) feet of any side or rear yard line which adjoins property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" District.
- (8.) Landscaping. Landscaping shall adhere to the Chesterfield City Code.
- (9.) Signs. Signs shall adhere to the sign regulations in Section 1003.168 of the Chesterfield City Code. Permitted information signs, six (6) feet or less in height, are allowed within the minimum front yard setback. Permitted directional signs, three (3) feet or less in height are allowed within the minimum front yard setback.

(10.) Off-street parking and loading requirements. Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 1003.165 of the Chesterfield City Code.

(11.) All uses shall operate in conformity with the appropriate performance standards contained in Section 1003.163 of the Chesterfield City Code.

D. Development Standards for Nursing Homes.

(1.) Densities of self-care units shall not exceed fifteen (15) units per acre.

(2.) No building within a nursing home development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.

(3.) No building within a nursing home development shall be allowed within a minimum of fifty (50) feet of any property line.

(4.) Accessory commercial uses in the form of limited service and retail commercial uses, not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one self-care building, shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber and beauty shop, floor or drug store, laundry or dry-cleaning pick-up, and newspaper stand and card shop.

E. Development Standards for Residential Substance Abuse Treatment Centers.

(1.) Densities shall not exceed eight (8) resident patients and two (2) house parents or support staff, per facility for lots less than five (5) acres.

(2.) No building when a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.

(3.) No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.

(4.) Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.

Amendment to Section 1003.117 "R-4" Residence District Regulations.

1. "R-4" Residence District Regulations.
 - A. *Purpose.* The "R-4" District is established to provide for residential dwellings and uses, to allow for such other related uses which are of a residential nature and are compatible with the character of the district, and to provide district regulations and development requirements.
 - B. *Uses.* Permitted, conditional, and accessory land uses are permitted as follows:
 - (1.) **Permitted Uses:**
 - (a.) Churches and other places of worship.
 - (b.) Dwellings, single-family detached.
 - (c.) Educational Facilities-College/University, Primary/Secondary, Kindergarten or Nursery School.
 - (d.) Home occupations.
 - (e.) Libraries.
 - (f.) Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
 - i. Adequately screened with landscaping, fencing or walls, or any combination thereof; or
 - ii. Placed underground; or
 - iii. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning and Public Works for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning and Public Works.
 - (g.) Parks and Playgrounds.
 - (h.) Public Safety Facilities.
 - (2.) **Conditional Uses.** The following uses may be permitted under conditions and requirements specified in Section 1003.181 of the Chesterfield City Code.
 - (a.) Administrative offices and educational or religious facilities.
 - (b.) Child Care Center, Nursery School, Day Care Home.

- (c.) Clubs or Community Centers.
 - (d.) Group Residential Facilities.
 - (e.) Group Living Facilities.
 - (f.) Golf courses.
 - (g.) Hospitals and hospices.
 - (h.) Local public utility facilities over sixty (60) feet in height, and public utility facilities.
 - (i.) Mortuaries and Cemeteries.
 - (j.) Nursing homes and group homes for the elderly. (*See section D for design requirements for this use).
 - (k.) Retreats Center.
 - (l.) Satellite dishes (additional provisions of Section 1003.167 of the Chesterfield City Code).
 - (m.) Sewage treatment facilities, other than facilities permitted as an accessory use.
 - (n.) Specialized private schools.
- (3.) **Accessory Land Uses.** Subject to compliance with the procedures of this section, accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or (unless restricted by applicable condition) a conditional land use. This is permissible when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, and serves to further the successful utilization of the primary use. Accessory uses include the following:
- (a.) Devices for the generation of energy, such as solar panels, wind generators, and similar devices.
 - (b.) Individual sewage treatment facilities serving an individual dwelling or non-residential use, as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.
- D. Development Standards. Unless otherwise specified in a site specific ordinance, the development criteria for the "R-4" District shall be as follows:

(1.) Minimum lot area.

- (a.) The minimum lot size for residential uses shall be 7,500 square feet.
- (b.) The minimum lot area requirements for non residential uses are listed below:

| USE | MINIMUM LOT SIZE |
|--|---|
| Child Care Center, Nursery School, Day Care Home. | 30,000 sq ft |
| Churches and other places of worship | 1/2 acre |
| Group Residential Facilities | 3 acres |
| Group Living Facilities | 7,500 sq ft |
| Library | 1 acre |
| Local public utility facilities | 7,500 sq ft |
| Mortuaries and Cemeteries. (also requires 200 ft. frontage on State Rd and adjacent to existing commercial district) | 3 acres |
| Police station | 10,000 sq ft |
| Educational Facilities: Nursery or day nursery Kindergarten Primary Junior High Senior High Collegiate | 15,000 sq ft 1 acre 5 acres 10 acres 20 acres 10 acres |
| All other non residential uses. | 5 acres |

- (c.) Any lot or tract of record on the effective date of this ordinance, which contains less than 7,500 square feet, may be used as a site for one single-family dwelling together with accessory structures and uses.
- (d.) Clubs or Community Centers as approved by the Planning Commission via a conditional use permit, may be established on tracts of land less than five (5) acres where the related parking needs, outdoor facilities, size of buildings, and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than seven thousand five hundred (7,500) square feet.

(2.) Setbacks for residential and non-residential uses.

- (a.) The minimum front yard setback from any roadway right-of-way line shall be twenty (20) feet.

- (b.) The minimum rear yard setback from any property line shall be fifteen (15) feet.
- (c.) The minimum side yard setback from any property line shall be six (6) feet.
- (d.) In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot, for distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.
- (e.) Boundary walls, retaining walls, or fences, six (6) feet or less in height, are allowed within the minimum yard requirements.
- (f.) Parking lots for five (5) or more vehicles, loading spaces, or internal drives serving said parking lots or loading spaces, except ingress and egress drives, shall be set back a minimum of twenty (20) feet from any roadway right-of-way line and ten (10) feet from any adjoining property in a "PS", "NU", or "R" District. No setback is required from adjoining properties in a "C" or "M" District unless required by the conditions of a conditional use permit.

(3.) Yard Exceptions.

- (a.) Ordinary projections of skylights, sills, belt courses, cornices and ornamental features shall not project more than twelve (12) inches over the setback;
- (b.) Ordinary projecting of chimneys and flues, not to exceed seventy-two (72) inches in width, shall not project more than twenty-four (24) inches over the setback;
- (c.) Roof overhangs shall not project over eighteen (18) inches over the setback, except that roof overhangs on the south side of a building may project forty-eight (48) inches to a property line;
- (d.) Slab type porches or paved terraces having a maximum height of not more than twelve (12) inches above ground elevation at any point may project into any yard except that the projection into the front yard shall not exceed ten (10) feet;
- (e.) Air conditioning units may extend into side or rear yards a maximum of thirty (30) inches, with air conditioning units including mounting pedestals not to exceed forty-eight (48) inches in height above ground elevation within side or rear yards.

- (4.) Pavement and lot widths.
 - (a.) Pavement and right-of-way widths shall be as specified in Section 1005.180 of the Chesterfield City Code.
 - (b.) If a lot of record existing on the effective date of this ordinance has a width of sixty (60) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.
- (5.) Corner lots. Notwithstanding any other provision of this City Code, on corner lots, no structure or plan material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the site distance triangle.
- (6.) Height.
 - (a.) No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed three (3) stories or forty-five (45) feet in height, whichever is less.
 - (b.) All other structures, other than a public utility tower authorized by a conditional use permit, shall not exceed sixty (60) feet in height above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in Section 1003.161 of the Chesterfield City Code.
 - (c.) Any non-residential structure, other than a public utility tower authorized by a conditional use permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.
- (7.) Lighting. Light standards for street lighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the minimum front yard setback when approved by the Department of Planning and Public Works. Light standards for parking lot lighting are allowed no closer than ten (10) feet of any side or rear yard line which adjoins property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" District.
- (8.) Landscaping. Landscaping shall adhere to the landscaping regulations in the City of Chesterfield Tree Manual.
- (9.) Signs. Signs shall adhere to the sign regulations in Section 1003.168 of the Chesterfield City Code. Permitted information signs, six (6) feet or less in height, are allowed within the minimum front yard setback. Permitted directional signs, three (3) feet or less in height are allowed within the minimum front yard setback.

(10.) Off-street parking and loading requirements.

- (a.) Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 1003.165 of the Chesterfield City Code.
 - (b.) Parking shall be screened from any adjoining property in a "PS", "NU", or "R" District using fences, berms, or landscaping.
- (11.) All uses shall operate in conformity with the appropriate performance standards contained in Section 1003.163 of the Chesterfield City Code.

D. Development Standards for Nursing Homes.

- (1.) Densities of self-care units shall not exceed twenty (20) units per acre.
- (2.) No building within a nursing home development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
- (3.) No building within a nursing home development shall be allowed within a minimum of fifty (50) feet of any property line.
- (4.) Accessory commercial uses in the form of limited service and retail commercial uses, not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one self-care building, shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber and beauty shop, floor or drug store, laundry or dry-cleaning pick-up, and newspaper stand and card shop.

E. Development Standards for Residential Substance Abuse Treatment Centers.

- (1.) Densities shall not exceed eight (8) resident patients and two (2) house parents or support staff, per facility for lots less than five (5) acres.
- (2.) No building when a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
- (3.) No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.

- (4.) Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.

Amendment to Section 1003.119 "R-5" Residence District Regulations.

1. "R-5" Residence District Regulations.

A. Purpose. The "R-5" District is established to provide for residential dwellings and uses, to allow for such other related uses which are of a residential nature and are compatible with the character of the district, and to provide district regulations and development requirements.

B. Uses. Permitted, conditional, and accessory land uses are permitted as follows:

(1.) **Permitted Uses:**

(a.) Churches and other places of worship.

(b.) Dwellings, single-family attached.

(c.) Dwellings, single-family detached.

(d.) Educational Facilities-College/University, Primary/Secondary, Kindergarten or Nursery School.

(e.) Home occupations.

(f.) Libraries.

(g.) Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:

i. Adequately screened with landscaping, fencing or walls, or any combination thereof; or

ii. Placed underground; or

iii. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning and Public Works for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning and Public Works.

(h.) Parks and Playgrounds.

(i.) Public Safety Facilities.

(2.) **Conditional Uses.** The following uses may be permitted under conditions and requirements specified in Section 1003.181 of the Chesterfield City Code.

(a.) Administrative offices and educational or religious facilities.

- (b.) Child Care Center, Nursery School, Day Care Home.
 - (c.) Clubs or Community Centers.
 - (d.) Group Residential Facilities.
 - (e.) Group Living Facilities.
 - (f.) Golf courses.
 - (g.) Hospitals and hospices.
 - (h.) Local public utility facilities over sixty (60) feet in height, and public utility facilities.
 - (i.) Mortuaries and Cemeteries.
 - (j.) Nursing homes and group homes for the elderly. (*See section D for design requirements for this use).
 - (k.) Retreats Center.
 - (l.) Satellite dishes (additional provisions of Section 1003.167 of the Chesterfield City Code).
 - (m.) Sewage treatment facilities, other than facilities permitted as an accessory use.
 - (n.) Specialized private schools.
- (3.) **Accessory Land Uses.** Subject to compliance with the procedures of this section, accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or (unless restricted by applicable condition) a conditional land use. This is permissible when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, and serves to further the successful utilization of the primary use. Accessory uses include the following:
- (a.) Devices for the generation of energy, such as solar panels, wind generators, and similar devices.
 - (b.) Individual sewage treatment facilities serving an individual dwelling or non-residential use, as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.

- C. Development Standards. Unless otherwise specified in a site specific ordinance, the development criteria for the "R-5" District shall be as follows:

(1.) Minimum lot area.

- (a.) The minimum lot size for residential uses shall be 6,000 square feet.
- (b.) The minimum lot area requirements for non residential uses are listed below:

| USE | MINIMUM LOT SIZE |
|--|-------------------------|
| Child Care Center, Nursery School, Day Care Home. | 30,000 sq ft |
| Churches and other places of worship | ½ acre |
| Group Living Facilities | 3 acres |
| Fire station | ½ acre |
| Group Residential Facilities | 6,000 sq ft |
| Library | 1 acre |
| Local public utility facilities | 6,000 sq ft |
| Mortuaries and cemeteries. (also requires 200 ft. frontage on State Rd and adjacent to existing commercial district) | 3 acres |
| Police station | 10,000 sq ft |
| Educational Facilities: | |
| Nursery or day nursery | 15,000 sq ft |
| Kindergarten | 1 acre |
| Primary | 5 acres |
| Junior High | 10 acres |
| Senior High | 20 acres |
| Collegiate | 10 acres |
| All other non residential uses | 5 acres |

- (c.) Any lot or tract of record on the effective date of this ordinance, which contains less than 6,000 square feet, may be used as a site for one single-family dwelling together with accessory structures and uses.
- (d.) Clubs or Community Centers, as approved by the Planning Commission via a conditional use permit, may be established on tracts of land less than five (5) acres where the related parking needs, outdoor facilities, size of buildings, and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than 6,000 square feet.
- (e.) Specialized private schools shall be located on a tract land containing one acre for each fifteen (15) pupils, but in no case less than five (5) acres, nor more than that required by the school land area requirements, as listed in section (b.) above.

(2.) Setbacks for residential and non-residential uses.

- (a.) The minimum front yard setback from any roadway right-of-way line shall be twenty (20) feet.
- (b.) Side yard.
 - i. No structure except single family attached dwellings and detached garages accessory to unattached single-family dwellings shall be allowed within six (6) feet of any side property line.
 - ii. Unattached sides of single family attached dwellings shall be a minimum of six (6) feet from any side property.
 - iii. Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any side property line.
- (c.) Rear yard.
 - i. No structure, except single-family attached dwellings and detached garages accessory to unattached single-family dwellings, shall be allowed within fifteen (15) feet of any rear property line.
 - ii. Unattached sides of single-family attached dwellings shall be a minimum of fifteen (15) feet from any rear property line.
 - iii. Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any rear property line.
- (d.) In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot, for distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.
- (e.) Boundary walls, retaining walls, or fences, six (6) feet or less in height, are allowed within the minimum yard requirements.
- (f.) Parking lots for five (5) or more vehicles, loading spaces, or internal drives serving said parking lots or loading spaces, except ingress and egress drives, shall be set back a minimum of twenty (20) feet from any roadway right-of-way line and ten (10) feet from any adjoining property in a "PS", "NU", or "R" District. No setback is required from adjoining properties in a "C" or "M" District unless required by the conditions of a conditional use permit.

(3.) Yard Exceptions.

- (a.) Ordinary projections of skylights, sills, belt courses, cornices and ornamental features shall not project more than twelve (12) inches over the setback;
- (b.) Ordinary projecting of chimneys and flues, not to exceed seventy-two (72) inches in width, shall not project more than twenty-four (24) inches over the setback;
- (c.) Roof overhangs shall not project over eighteen (18) inches over the setback, except that roof overhangs on the south side of a building may project forty-eight (48) inches to a property line;
- (d.) Slab type porches or paved terraces having a maximum height of not more than twelve (12) inches above ground elevation at any point may project into any yard except that the projection into the front yard shall not exceed ten (10) feet;
- (e.) Air conditioning units may extend into side or rear yards a maximum of thirty (30) inches, with air conditioning units including mounting pedestals not to exceed forty-eight (48) inches in height above ground elevation within side or rear yards.

(4.) Pavement and lot widths.

- (a.) Pavement and right-of-way widths shall be as specified in Section 1005.180 of the Chesterfield City Code.
- (b.) If a lot of record existing on the effective date of this ordinance has a width of sixty (60) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.

(5.) Corner lots. Notwithstanding any other provision of this City Code, on corner lots, no structure or plan material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the site distance triangle.

(6.) Height.

- (a.) No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed three (3) stories or forty-five (45) feet in height, whichever is less.
- (b.) All other structures, other than a public utility tower authorized by a conditional use permit, shall not exceed sixty (60) feet in height above the average finished ground elevation at the perimeter of such

structure; except that the height of structures may be further restricted as provided in Section 1003.161 of the Chesterfield City Code.

- (c.) Any non-residential structure, other than a public utility tower authorized by a conditional use permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.
- (7.) Lighting. Light standards for street lighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the minimum front yard setback when approved by the Department of Planning and Public Works. Light standards for parking lot lighting are allowed no closer than ten (10) feet of any side or rear yard line which adjoins property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" District.
- (8.) Landscaping. Landscaping shall adhere to the landscaping regulations in the Chesterfield City Code.
- (9.) Signs. Signs shall adhere to the sign regulations in Section 1003.168 of the Chesterfield City Code. Permitted information signs, six (6) feet or less in height, are allowed within the minimum front yard setback. Permitted directional signs, three (3) feet or less in height are allowed within the minimum front yard setback.
- (10.) Off-street parking and loading requirements.
 - (a.) Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 1003.165 of the Chesterfield City Code.
 - (b.) Parking shall be screened from any adjoining property in a "PS", "NU", or "R" District using fences, berms, or landscaping.
- (11.) All uses shall operate in conformity with the appropriate performance standards contained in Section 1003.163 of the Chesterfield City Code.

D. Development Standards for Nursing Homes.

- (1.) Densities of self-care units shall not exceed twenty (20) units per acre.
- (2.) No building within a nursing home development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
- (3.) Accessory commercial uses in the form of limited service and retail commercial uses, not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one self-care building, shall be permitted in conjunction

with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber and beauty shop, floor or drug store, laundry or dry-cleaning pick-up, and newspaper stand and card shop.

- (4.) No building within a nursing home development shall be allowed within a minimum of fifty (50) feet of any property line.

E. *Development Standards for Residential Substance Abuse Treatment Centers.*

- (1.) Densities shall not exceed eight (8) resident patients and two (2) house parents or support staff, per facility for lots less than five (5) acres.
- (2.) No building when a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
- (3.) No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.
- (4.) Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.

Amendment to Section 1003.120A "R-6A" Residence District Regulations.

1. "R-6A" Residence District Regulations.

A. Purpose. The "R-6A" District is established to provide for residential dwellings and uses, to allow for such other related uses which are of a residential nature and are compatible with the character of the district, and to provide district regulations and development requirements.

B. Uses. Permitted, conditional, and accessory land uses are permitted as follows:

(1.) **Permitted Uses:**

(a.) Churches and other places of worship.

(b.) Dwellings, multiple family, row houses, and other group house arrangements of attached or detached buildings.

(c.) Dwellings, single-family detached.

(d.) Educational Facilities-College/University, Primary/Secondary, Kindergarten or Nursery School.

(e.) Home occupations.

(f.) Libraries.

(g.) Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:

i. Adequately screened with landscaping, fencing or walls, or any combination thereof; or

ii. Placed underground; or

iii. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning and Public Works for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning and Public Works.

(h.) Parks and Playgrounds.

(i.) Public Safety Facilities.

(2.) **Conditional Uses.** The following uses may be permitted under conditions and requirements specified in Section 1003.181 of the Chesterfield City Code.

(a.) Administrative offices and educational or religious facilities.

- (b.) Child Care Center, Nursery School, Day Care Home.
 - (c.) Clubs or Community Centers.
 - (d.) Group Residential Facilities.
 - (e.) Group Living Facilities.
 - (f.) Golf courses.
 - (g.) Hospitals and hospices.
 - (h.) Local public utility facilities over sixty (60) feet in height, and public utility facilities.
 - (i.) Mortuaries and Cemeteries.
 - (j.) Nursing homes and group homes for the elderly. (*See section D for design requirements for this use).
 - (k.) Retreats Center.
 - (l.) Satellite dishes (additional provisions of Section 1003.167 of the Chesterfield City Code).
 - (m.) Sewage treatment facilities, other than facilities permitted as an accessory use.
 - (n.) Specialized private schools.
- (3.) **Accessory Land Uses.** Subject to compliance with the procedures of this section, accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or (unless restricted by applicable condition) a conditional land use. This is permissible when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, and serves to further the successful utilization of the primary use. Accessory uses include the following:
- (a.) Devices for the generation of energy, such as solar panels, wind generators, and similar devices.
 - (b.) Individual sewage treatment facilities serving an individual dwelling or non-residential use, as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.

C. Development Standards. Unless otherwise specified in a site specific ordinance, the development criteria for the "R-6A" District shall be as follows:

(1.) Minimum lot area.

- (a.) The minimum lot size for single family dwellings shall be 4,500 square feet.
- (b.) The minimum lot size for two-family dwellings shall be 4,500 square feet per unit.
- (c.) The minimum lot size for three-family dwellings shall be 4,000 square feet per unit.
- (d.) The minimum lot size for multiple family dwelling shall be 4,000 square feet
- (e.) The minimum lot area requirements for non residential uses are listed below:

| USE | MINIMUM LOT SIZE |
|--|---|
| Churches and other places of worship | ½ acre |
| Child care center, nursery school, day care home. | 4,500 sq ft |
| Group living facilities | 3 acres |
| Fire station | ½ acre |
| Group residential facilities | 4,500 sq ft |
| Library | ½ acre |
| Local public utility facilities | 10,000 sq ft |
| Mortuaries and cemeteries. (also requires 200 ft. frontage on State Rd and adjacent to existing commercial district) | 3 acres |
| Police station | 10,000 sq ft |
| Residential substance abuse treatment facilities* (See Section E. for specific requirements) | 3 acres (5 acres for a facility of more than 8 resident patients.) |
| Educational facilities: Nursery or day nursery Kindergarten Primary Junior High Senior High Collegiate | 15,000 sq ft 1 acre 5 acres 10 acres 20 acres 10 acres |
| All other non residential uses | 5 acres |

- (f.) Any lot or tract of record on the effective date of this ordinance, which contains less than 4,500 square feet, may be used as a site for one single-family dwelling together with accessory structures and uses.

- (g.) Clubs or community centers, as approved by the Planning Commission via a conditional use permit, may be established on tracts of land less than five (5) acres where the related parking needs, outdoor facilities, size of buildings, and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than 10,000 square feet.
- (h.) Specialized private schools shall be located on a tract land containing one acre for each fifteen (15) pupils, but in no case less than five (5) acres, nor more than that required by the school land area requirements, as listed in section b. above.

(2.) Setbacks for residential and non-residential uses.

- (a.) The minimum front yard setback from any roadway right-of-way line shall be twenty (20) feet.
- (b.) Side yard.
 - i. No single-family dwelling or unattached side of an attached single-family dwelling or structure accessory to a single-family or attached single-family dwelling except as noted shall be allowed within five (5) feet of any side property line.
 - ii. Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any side property line.
 - iii. No other structure shall be allowed within ten (10) feet of any side property line.
- (c.) Rear yard.
 - i. No structure, except single-family attached dwellings and detached garages accessory to unattached single-family dwellings, shall be allowed within fifteen (15) feet of any rear property line.
 - ii. Unattached sides of single-family attached dwellings shall be a minimum of fifteen (15) feet from any rear property line.
 - iii. Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any rear property line.
- (d.) In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot, for distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen

(15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.

- (e.) Boundary walls, retaining walls, or fences, six (6) feet or less in height, are allowed within the minimum yard requirements.
- (f.) Parking lots for five (5) or more vehicles, loading spaces, or internal drives, serving said parking lots or loading spaces, except ingress and egress drives, shall be set back a minimum of twenty (20) feet from any roadway right-of-way line and ten (10) feet from any adjoining property in a "PS", "NU", or "R" District. No setback is required from adjoining properties in a "C" or "M" District unless required by the conditions of a conditional use permit.
- (g.) Setback between buildings. No wall of any separate (detached) structure, other than a single-family or structures accessory to a single-family dwelling, shall be located closer to any wall of another structure than as set out in the following table:

| Wall | Setback | | | |
|-------|--|--|---------|---------------------------------------|
| | Front | Side | Rear | Walls of detached accessory building. |
| Front | 50 ft. plus additional 10 ft. for each story over 2 stories. | 30 ft. except 20 ft. if side wall has no windows | 100 ft. | 30 ft. |
| Side | 30 ft. (20 ft. if side wall has no windows) | 20 ft. | 30 ft. | 10 ft. |
| Rear | 100 ft. | 30 ft. | 50 ft. | 20 ft. |

*Any dimension given above shall include the side yard required for a single-family dwelling, when any described wall faces the side lot of any separately owned property, whether or not any structure is located on said property.

(3.) Yard Exceptions.

- (a.) Ordinary projections of skylights, sills, belt courses, cornices and ornamental features shall not project more than twelve (12) inches over the setback;
- (b.) Ordinary projecting of chimneys and flues, not to exceed seventy-two (72) inches in width, shall not project more than twenty-four (24) inches over the setback;
- (c.) Roof overhangs shall not project over eighteen (18) inches over the setback, except that roof overhangs on the south side of a building may project forty-eight (48) inches to a property line;

- (d.) Slab type porches or paved terraces having a maximum height of not more than twelve (12) inches above ground elevation at any point may project into any yard except that the projection into the front yard shall not exceed ten (10) feet;
 - (e.) Air conditioning units may extend into side or rear yards a maximum of thirty (30) inches, with air conditioning units including mounting pedestals not to exceed forty-eight (48) inches in height above ground elevation within side or rear yards.
- (4.) Pavement and lot widths.
- (a.) Pavement and right-of-way widths shall be as specified in Section 1005.180 of the Chesterfield City Code.
 - (b.) If a lot of record existing on the effective date of this ordinance has a width of sixty (60) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.
- (5.) Corner lots. Notwithstanding any other provision of this City Code, on corner lots, no structure or plan material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the site distance triangle.
- (6.) Height.
- (a.) No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed four (4) stories in height including any basement dwelling space.
 - (b.) All other structures, other than a public utility tower authorized by a conditional use permit, shall not exceed sixty (60) feet in height above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in Section 1003.161 of the Chesterfield City Code.
 - (c.) Any non-residential structure, other than a public utility tower authorized by a conditional use permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.
- (7.) Lighting. Light standards for street lighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the minimum front yard setback when approved by the Department of Planning and Public Works. Light standards for parking lot lighting are allowed no closer than ten (10) feet of any side or rear yard line which

adjoins property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" District.

- (8.) Landscaping. Landscaping shall adhere to the landscaping regulations in the Chesterfield City Code.
- (9.) Signs. Signs shall adhere to the sign regulations in Section 1003.168 of the Chesterfield City Code. Permitted information signs, six (6) feet or less in height, are allowed within the minimum front yard setback. Permitted directional signs, three (3) feet or less in height are allowed within the minimum front yard setback.
- (10.) Off-street parking and loading requirements.
 - (a.) Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 1003.165 of the Chesterfield City Code.
 - (b.) Parking shall be screened from any adjoining property in a "PS", "NU", or "R" District using fences, berms, or landscaping.
- (11.) All uses shall operate in conformity with the appropriate performance standards contained in Section 1003.163 of the Chesterfield City Code.

D. Development Standards for Nursing Homes.

- (1.) Densities of self-care units shall not exceed twenty-five (25) units per acre.
- (2.) No building within a nursing home development shall exceed a height of four (4) stories or sixty (60) feet above the average ground elevation at the perimeter of the building, whichever is less.
- (3.) Accessory commercial uses in the form of limited service and retail commercial uses, not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one self-care building, shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber and beauty shop, floor or drug store, laundry or dry-cleaning pick-up, and newspaper stand and card shop.
- (4.) No building within a nursing home development shall be allowed within a minimum of thirty (30) feet of any property line.

E. Development Standards for Residential Substance Abuse Treatment Centers.

- (1.) Densities shall not exceed eight (8) resident patients and two (2) house parents or support staff, per facility for lots less than five (5) acres.
- (2.) No building when a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
- (3.) No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.
- (4.) Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.

F. Development standards for Multi-Family, Row Houses, or Group Homes.

- (1.) The following development standards are minimum requirements and may be made more restrictive in the conditions of the ordinance governing the particular district:

| TABLE 1: DEVELOPMENT STANDARDS | |
|---------------------------------------|---|
| Common Open Space | 40% |
| Building Setback | Shall be as required in the underlying zoning district. |
| Building Height | Shall be as required in the underlying zoning district. |
| Parking | Zoning Ordinance Section 1003.165 |

* Tandem Parking is defined as a parking space within a group of two or more parking spaces arranged one behind the other. Each car must be able to enter and exit a parking space independently of the movement of any other vehicle.

Amendment to Section 1003.120A "R-6AA" Residence District Regulations.

1. "R-6AA" Residence District Regulations.

A. Purpose. The "R-6AA" District is established to provide for residential dwellings and uses, to allow for such other related uses which are of a residential nature and are compatible with the character of the district, and to provide district regulations and development requirements.

B. Uses. Permitted, conditional, and accessory land uses are permitted as follows:

(1.) Permitted Uses:

- (a.) Churches and other places of worship.
- (b.) Dwellings, multiple family, row houses, and other group house arrangements of attached or detached buildings.
- (c.) Dwellings, single-family detached.
- (d.) Educational Facilities-College/University, Primary/Secondary, Kindergarten or Nursery School.
- (e.) Home occupations.
- (f.) Libraries.
- (g.) Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
 - i. Adequately screened with landscaping, fencing or walls, or any combination thereof; or
 - ii. Placed underground; or
 - iii. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning and Public Works for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning and Public Works.

- (h.) Parks and Playgrounds.
- (i.) Public Safety Facilities.

(2.) **Conditional Uses.** The following uses may be permitted under conditions and requirements specified in Section 1003.181 of the Chesterfield City Code.

- (a.) Administrative offices and educational or religious facilities.

- (b.) Child Care Center, Nursery School, Day Care Home.
 - (c.) Clubs or Community Centers.
 - (d.) Group Residential Facilities.
 - (e.) Group Living Facilities.
 - (f.) Golf courses.
 - (g.) Hospitals and hospices.
 - (h.) Local public utility facilities over sixty (60) feet in height, and public utility facilities.
 - (i.) Mortuaries and Cemeteries.
 - (j.) Nursing homes and group homes for the elderly. (*See section D for design requirements for this use).
 - (k.) Retreats Center.
 - (l.) Satellite dishes (additional provisions of Section 1003.167 of the Chesterfield City Code).
 - (m.) Sewage treatment facilities, other than facilities permitted as an accessory use.
 - (n.) Specialized private schools.
- (3.) **Accessory Land Uses.** Subject to compliance with the procedures of this section, accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or (unless restricted by applicable condition) a conditional land use. This is permissible when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, and serves to further the successful utilization of the primary use. Accessory uses include the following:
- (a.) Devices for the generation of energy, such as solar panels, wind generators, and similar devices.
 - (b.) Individual sewage treatment facilities serving an individual dwelling or non-residential use, as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.

C. Development Standards. Unless otherwise specified in a site specific ordinance, the development criteria for the "R-6A" District shall be as follows:

(1.) Minimum lot area.

- (a.) The minimum lot size for single family dwellings shall be 4,500 square feet.
- (b.) The minimum lot size for two-family dwellings shall be 4,500 square feet per unit.
- (c.) The minimum lot size for three-family dwellings shall be 3,500 square feet per unit.
- (d.) The minimum lot size for multiple family dwelling shall be 3,000 square feet
- (e.) The minimum lot area requirements for non residential uses are listed below:

| USE | MINIMUM LOT SIZE |
|--|--|
| Churches and other places of worship | ½ acre |
| Child care center, nursery school, day care home. | 4,500 sq ft |
| Group living facilities | 3 acres |
| Fire station | ½ acre |
| Group residential facilities | 4,500 sq ft |
| Library | ½ acre |
| Local public utility facilities | 10,000 sq ft |
| Mortuaries and cemeteries. (also requires 200 ft. frontage on State Rd and adjacent to existing commercial district) | 3 acres |
| Police station | 10,000 sq ft |
| Residential substance abuse treatment facilities* (See Section E. for specific requirements) | 3 acres (5 acres for a facility of more than 8 resident patients.) |
| Educational facilities: | |
| Nursery or day nursery | 15,000 sq ft |
| Kindergarten | 1 acre |
| Primary | 5 acres |
| Junior High | 10 acres |
| Senior High | 20 acres |
| Collegiate | 10 acres |
| All other non residential uses | 5 acres |

- (f.) Any lot or tract of record on the effective date of this ordinance, which contains less than 4,500 square feet, may be used as a site for one single-family dwelling together with accessory structures and uses.

- (g.) Clubs or community centers, as approved by the Planning Commission via a conditional use permit, may be established on tracts of land less than five (3) acres where the related parking needs, outdoor facilities, size of buildings, and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than 10,000 square feet.
- (h.) Specialized private schools shall be located on a tract land containing one acre for each fifteen (15) pupils, but in no case less than five (5) acres, nor more than that required by the school land area requirements, as listed in section b. above.

(2.) Setbacks for residential and non-residential uses.

- (a.) The minimum front yard setback from any roadway right-of-way line shall be twenty (20) feet.
- (b.) Side yard.
 - i. No single-family dwelling or unattached side of an attached single-family dwelling or structure accessory to a single-family or attached single family dwelling except as noted shall be allowed within five (5) feet of any side property line.
 - ii. Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any side property line.
 - iii. No other structure shall be allowed within ten (10) feet of any side property line.
- (c.) Rear yard.
 - i. No structure, except single-family attached dwellings and detached garages accessory to unattached single-family dwellings, shall be allowed within fifteen (15) feet of any rear property line.
 - ii. Unattached sides of single-family attached dwellings shall be a minimum of fifteen (15) feet from any rear property line.
 - iii. Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any rear property line.
- (d.) In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot, for distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen

(15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.

- (e.) Boundary walls, retaining walls, or fences, six (6) feet or less in height, are allowed within the minimum yard requirements.
- (f.) Parking lots for five (5) or more vehicles, loading spaces, or internal drives serving said parking lots or loading spaces, except ingress and egress drives, shall be set back a minimum of twenty (20) feet from any roadway right-of-way line and ten (10) feet from any adjoining property in a "PS", "NU", or "R" District. No setback is required from adjoining properties in a "C" or "M" District unless required by the conditions of a conditional use permit.
- (g.) Setback between buildings. No wall of any separate (detached) structure, other than a single-family or structures accessory to a single-family dwelling, shall be located closer to any wall of another structure than as set out in the following table:

| | Setback | | | |
|-------------|--|--|---------|---------------------------------------|
| Wall | Front | Side | Rear | Walls of detached accessory building. |
| Front | 50 ft. plus additional 10 ft. for each story over 2 stories. | 30 ft. except 20 ft. if side wall has no windows | 100 ft. | 30 ft. |
| Side | 30 ft. (20 ft. if side wall has no windows) | 20 ft. | 30 ft. | 10 ft. |
| Rear | 100 ft. | 30 ft. | 50 ft. | 20 ft. |

*Any dimension given above shall include the side yard required for a single-family dwelling, when any described wall faces the side lot of any separately owned property, whether or not any structure is located on said property.

(3.) Yard Exceptions.

- (a.) Ordinary projections of skylights, sills, belt courses, cornices and ornamental features shall not project more than twelve (12) inches over the setback;
- (b.) Ordinary projecting of chimneys and flues, not to exceed seventy-two (72) inches in width, shall not project more than twenty-four (24) inches over the setback;
- (c.) Roof overhangs shall not project over eighteen (18) inches over the setback, except that roof overhangs on the south side of a building may project forty-eight (48) inches to a property line;

- (d.) Slab type porches or paved terraces having a maximum height of not more than twelve (12) inches above ground elevation at any point may project into any yard except that the projection into the front yard shall not exceed ten (10) feet;
 - (e.) Air conditioning units may extend into side or rear yards a maximum of thirty (30) inches, with air conditioning units including mounting pedestals not to exceed forty-eight (48) inches in height above ground elevation within side or rear yards.
- (4.) Pavement and lot widths.
- (a.) Pavement and right-of-way widths shall be as specified in Section 1005.180 of the Chesterfield City Code.
 - (b.) If a lot of record existing on the effective date of this ordinance has a width of sixty (60) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.
- (5.) Corner lots. Notwithstanding any other provision of this City Code, on corner lots, no structure or plan material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the site distance triangle.
- (6.) Height.
- (a.) No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed four (4) stories in height including any basement dwelling space.
 - (b.) All other structures, other than a public utility tower authorized by a conditional use permit, shall not exceed sixty (60) feet in height above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in Section 1003.161 of the Chesterfield City Code.
 - (c.) Any non-residential structure, other than a public utility tower authorized by a conditional use permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.
- (7.) Lighting. Light standards for street lighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the minimum front yard setback when approved by the Department of Planning and Public Works. Light standards for parking lot lighting are allowed no closer than ten (10) feet of any side or rear yard line which

adjoins property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" District.

- (8.) Landscaping. Landscaping shall adhere to the landscaping regulations in the City of Chesterfield Tree Manual.
- (9.) Signs. Signs shall adhere to the sign regulations in Section 1003.168 of the Chesterfield City Code. Permitted information signs, six (6) feet or less in height, are allowed within the minimum front yard setback. Permitted directional signs, three (3) feet or less in height are allowed within the minimum front yard setback.
- (10.) Off-street parking and loading requirements.
 - (a.) Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 1003.165 of the Chesterfield City Code.
 - (b.) Parking shall be screened from any adjoining property in a "PS", "NU", or "R" District using fences, berms, or landscaping.
- (11.) All uses shall operate in conformity with the appropriate performance standards contained in Section 1003.163 of the Chesterfield City Code.

D. Development Standards for Nursing Homes.

- (1.) Densities of self-care units shall not exceed twenty-five (25) units per acre.
- (2.) No building within a nursing home development shall exceed a height of four (4) stories or sixty (60) feet above the average ground elevation at the perimeter of the building, whichever is less.
- (3.) Accessory commercial uses in the form of limited service and retail commercial uses, not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one self-care building, shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber and beauty shop, floor or drug store, laundry or dry-cleaning pick-up, and newspaper stand and card shop.
- (4.) No building within a nursing home development shall be allowed within a minimum of thirty (30) feet of any property line.

E. Development Standards for Residential Substance Abuse Treatment Centers.

- (1.) Densities shall not exceed eight (8) resident patients and two (2) house parents or support staff, per facility for lots less than five (5) acres.
- (2.) No building when a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
- (3.) No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.
- (4.) Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.

F. Development standards for Multi-Family, Row Houses, or Group Homes.

- (1.) The following development standards are minimum requirements and may be made more restrictive in the conditions of the ordinance governing the particular district:

| TABLE 1: DEVELOPMENT STANDARDS | |
|---------------------------------------|---|
| Common Open Space | 40% |
| Building Setback | Shall be as required in the underlying zoning district. |
| Building Height | Shall be as required in the underlying zoning district. |
| Parking | Zoning Ordinance Section 1003.165 |

* Tandem Parking is defined as a parking space within a group of two or more parking spaces arranged one behind the other. Each car must be able to enter and exit a parking space independently of the movement of any other vehicle.

Amendment to Section 1003.121 "R-6" Residence District Regulations.

1. "R-6" Residence District Regulations.

- A. Purpose. The purpose of the "R-6" Residence District is to provide a district intended for residential uses, developed on lots of no less than 4,500 square feet.
- B. Uses. Permitted, conditional, and accessory land uses are permitted as follows:

(1.) **Permitted Uses:**

- (a.) Churches and other places of worship.
- (b.) Dwellings, multiple family, row houses, and other group house arrangements of attached or detached buildings.
- (c.) Dwellings, single-family detached.
- (d.) Educational Facilities-College/University, Primary/Secondary, Kindergarten or Nursery School.
- (e.) Home occupations.
- (f.) Libraries.
- (g.) Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
 - i. Adequately screened with landscaping, fencing or walls, or any combination thereof; or
 - ii. Placed underground; or
 - iii. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning and Public Works for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning and Public Works.

- (h.) Parks and Playgrounds.
- (i.) Public Safety Facilities.

(2.) **Conditional Uses.** The following uses may be permitted under conditions and requirements specified in Section 1003.181 of the Chesterfield City Code.

- (a.) Administrative offices and educational or religious facilities.

- (b.) Child Care Center, Nursery School, Day Care Home.
 - (c.) Clubs or Community Centers.
 - (d.) Group Residential Facilities.
 - (e.) Group Living Facilities.
 - (f.) Golf courses.
 - (g.) Hospitals and hospices.
 - (h.) Local public utility facilities over sixty (60) feet in height, and public utility facilities.
 - (i.) Mortuaries and Cemeteries.
 - (j.) Nursing homes and group homes for the elderly. (*See section D for design requirements for this use).
 - (k.) Retreats Center.
 - (l.) Satellite dishes (additional provisions of Section 1003.167 of the Chesterfield City Code).
 - (m.) Sewage treatment facilities, other than facilities permitted as an accessory use.
 - (n.) Specialized private schools.
- (3.) **Accessory Land Uses.** Subject to compliance with the procedures of this section, accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or (unless restricted by applicable condition) a conditional land use. This is permissible when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, and serves to further the successful utilization of the primary use. Accessory uses include the following:
- (a.) Devices for the generation of energy, such as solar panels, wind generators, and similar devices.
 - (b.) Individual sewage treatment facilities serving an individual dwelling or non-residential use, as approved by the appropriate regulatory agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.

- C. Development Standards. Unless otherwise specified in a site specific ordinance, the development criteria for the "R-6A" District shall be as follows:

(1.) Minimum lot area.

- (a.) The minimum lot size for single family dwellings shall be 4,500 square feet.
- (b.) The minimum lot size for two-family dwellings shall be 2,500 square feet per unit.
- (c.) The minimum lot size for three-family dwellings shall be 2,000 square feet per unit.
- (d.) The minimum lot size for multiple family dwelling shall be 2,000 square feet
- (e.) The minimum lot area requirements for non residential uses are listed below:

| USE | MINIMUM LOT SIZE |
|--|--|
| Churches and other places of worship | ½ acre |
| Child care center, nursery school, day care home. | 4,500 sq ft |
| Group living facilities | 3 acres |
| Fire station | ½ acre |
| Group residential facilities | 4,500 sq ft |
| Library | ½ acre |
| Local public utility facilities | 10,000 sq ft |
| Mortuaries and cemeteries. (also requires 200 ft. frontage on State Rd and adjacent to existing commercial district) | 3 acres |
| Police station | 10,000 sq ft |
| Residential substance abuse treatment facilities* (See Section E. for specific requirements) | 3 acres (5 acres for a facility of more than 8 resident patients.) |
| Educational facilities: | |
| Nursery or day nursery | 15,000 sq ft |
| Kindergarten | 1 acre |
| Primary | 5 acres |
| Junior High | 10 acres |
| Senior High | 20 acres |
| Collegiate | 10 acres |
| All other non residential uses | 3 acres |

- (f.) Any lot or tract of record on the effective date of this ordinance, which contains less than 4,500 square feet, may be used as a site for one single-family dwelling together with accessory structures and uses.
- (g.) Clubs or community centers, as approved by the Planning Commission via a conditional use permit, may be established on tracts of land less

than five (3) acres where the related parking needs, outdoor facilities, size of buildings, and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than 10,000 square feet.

- (h.) Specialized private schools shall be located on a tract land containing one acre for each fifteen (15) pupils, but in no case less than five (5) acres, nor more than that required by the school land area requirements, as listed in section b. above.

(2.) Setbacks for residential and non-residential uses.

- (a.) The minimum front yard setback from any roadway right-of-way line shall be twenty (20) feet.

(b.) Side yard.

- i. No single-family dwelling or unattached side of an attached single-family dwelling or structure accessory to a single-family or attached single-family dwelling except as noted shall be allowed within five (5) feet of any side property line.
- ii. Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any side property line.
- iii. No other structure shall be allowed within ten (10) feet of any side property line.

(c.) Rear yard.

- i. No structure, except single-family attached dwellings and detached garages accessory to unattached single-family dwellings, shall be allowed within fifteen (15) feet of any rear property line.
- ii. Unattached sides of single-family attached dwellings shall be a minimum of fifteen (15) feet from any rear property line.
- iii. Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any rear property line.

- (d.) In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot, for distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.

- (e.) Boundary walls, retaining walls, or fences, six (6) feet or less in height, are allowed within the minimum yard requirements.
- (f.) Parking lots for five (5) or more vehicles, loading spaces, or internal drives serving said parking lots or loading spaces, except ingress and egress drives, shall be set back a minimum of twenty (20) feet from any roadway right-of-way line and ten (10) feet from any adjoining property in a "PS", "NU", or "R" District. No setback is required from adjoining properties in a "C" or "M" District unless required by the conditions of a conditional use permit.
- (g.) Setback between buildings. No wall of any separate (detached) structure, other than a single-family or structures accessory to a single-family dwelling, shall be located closer to any wall of another structure than as set out in the following table:

| Wall | Setback | | | |
|-------|--|--|---------|---------------------------------------|
| | Front | Side | Rear | Walls of detached accessory building. |
| Front | 50 ft. plus additional 10 ft. for each story over 2 stories. | 30 ft. except 20 ft. if side wall has no windows | 100 ft. | 30 ft. |
| Side | 30 ft. (20 ft. if side wall has no windows) | 20 ft. | 30 ft. | 10 ft. |
| Rear | 100 ft. | 30 ft. | 50 ft. | 20 ft. |

*Any dimension given above shall include the side yard required for a single-family dwelling, when any described wall faces the side lot of any separately owned property, whether or not any structure is located on said property.

(3.) Yard Exceptions.

- (a.) Ordinary projections of skylights, sills, belt courses, cornices and ornamental features shall not project more than twelve (12) inches over the setback;
- (b.) Ordinary projecting of chimneys and flues, not to exceed seventy-two (72) inches in width, shall not project more than twenty-four (24) inches over the setback;
- (c.) Roof overhangs shall not project over eighteen (18) inches over the setback, except that roof overhangs on the south side of a building may project forty-eight (48) inches to a property line;

- (d.) Slab type porches or paved terraces having a maximum height of not more than twelve (12) inches above ground elevation at any point may project into any yard except that the projection into the front yard shall not exceed ten (10) feet;
 - (e.) Air conditioning units may extend into side or rear yards a maximum of thirty (30) inches, with air conditioning units including mounting pedestals not to exceed forty-eight (48) inches in height above ground elevation within side or rear yards
- (4.) Pavement and lot widths.
- (a.) Pavement and right-of-way widths shall be as specified in Section 1005.180 of the Chesterfield City Code.
 - (b.) If a lot of record existing on the effective date of this ordinance has a width of sixty (60) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.
- (5.) Corner lots. Notwithstanding any other provision of this City Code, on corner lots, no structure or plan material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the site distance triangle.
- (6.) Height.
- (a.) No building elevation of any dwelling structure or building accessory to a dwelling structure shall exceed four (4) stories in height including any basement dwelling space.
 - (b.) All other structures, other than a public utility tower authorized by a conditional use permit, shall not exceed sixty (60) feet in height above the average finished ground elevation at the perimeter of such structure; except that the height of structures may be further restricted as provided in Section 1003.161 of the Chesterfield City Code.
 - (c.) Any non-residential structure, other than a public utility tower authorized by a conditional use permit, which exceeds thirty (30) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above thirty (30) feet.
- (7.) Lighting. Light standards for street lighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the minimum front yard setback when approved by the Department of Planning and Public Works. Light standards for parking lot lighting are allowed no closer than ten (10) feet of any side or rear yard line which adjoins property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" District.

- (8.) Landscaping. Landscaping shall adhere to the landscaping regulations in the City of Chesterfield Tree Manual.
- (9.) Signs. Signs shall adhere to the sign regulations in Section 1003.168 of the Chesterfield City Code. Permitted information signs, six (6) feet or less in height, are allowed within the minimum front yard setback. Permitted directional signs, three (3) feet or less in height are allowed within the minimum front yard setback.
- (10.) Off-street parking and loading requirements.
 - (a.) Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 1003.165 of the Chesterfield City Code.
 - (b.) Parking shall be screened from any adjoining property in a "PS", "NU", or "R" District using fences, berms, or landscaping.
- (11.) All uses shall operate in conformity with the appropriate performance standards contained in Section 1003.163 of the Chesterfield City Code.

D. Development Standards for Nursing Homes.

- (1.) Densities of self-care units shall not exceed twenty-five (25) units per acre.
- (2.) No building within a nursing home development shall exceed a height of four (4) stories or sixty (60) feet above the average ground elevation at the perimeter of the building, whichever is less.
- (3.) Accessory commercial uses in the form of limited service and retail commercial uses, not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one self-care building, shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber and beauty shop, floor or drug store, laundry or dry-cleaning pick-up, and newspaper stand and card shop.
- (4.) No building within a nursing home development shall be allowed within a minimum of thirty (30) feet of any property line.

E. Development Standards for Residential Substance Abuse Treatment Centers.

- (1.) Densities shall not exceed eight (8) resident patients and two (2) house parents or support staff, per facility for lots less than five (5) acres.

- (2.) No building when a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
- (3.) No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.
- (4.) Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.

F. Development standards for Multi-Family, Row Houses, or Group Homes.

- (1.) The following development standards are minimum requirements and may be made more restrictive in the conditions of the ordinance governing the particular district:

| TABLE 1: DEVELOPMENT STANDARDS | |
|---------------------------------------|---|
| Common Open Space | 40% |
| Building Setback | Shall be as required in the underlying zoning district. |
| Building Height | Shall be as required in the underlying zoning district. |
| Parking | Zoning Ordinance Section 1003.165 |

* Tandem Parking is defined as a parking space within a group of two or more parking spaces arranged one behind the other. Each car must be able to enter and exit a parking space independently of the movement of any other vehicle.

Amendment to Section 1003.123 "R-7" Residence District Regulations.

1. "R-7" Residence District Regulations.

A. Purpose. The "R-7" District is established to provide for residential dwellings and uses, to allow for such other related uses which are of a residential nature and are compatible with the character of the district, and to provide district regulations and development requirements.

B. Uses. Permitted, conditional, and accessory land uses are permitted as follows:

(1.) **Permitted Uses:**

(a.) Churches and other places of worship.

(b.) Commercial uses of: barber shop, child care center, cigar and newspaper stands, grocery or drug stores, dry cleaning establishment, laundromat, restaurant, sit down.

(c.) Dwellings, multiple family, row houses, and other group house arrangements of attached or detached buildings.

(d.) Dwellings, single-family detached.

(e.) Educational Facilities-College/University, Primary/Secondary, Kindergarten or Nursery School.

(f.) Home occupations.

(g.) Libraries.

(h.) Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:

i. Adequately screened with landscaping, fencing or walls, or any combination thereof; or

ii. Placed underground; or

iii. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning and Public Works for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning and Public Works.

(i.) Parks and Playgrounds.

(j.) Public Safety Facilities.

- (2.) **Conditional Uses.** The following uses may be permitted under conditions and requirements specified in Section 1003.181 of the Chesterfield City Code.
- (a.) Administrative offices and educational or religious facilities.
 - (b.) Child Care Center, Nursery School, Day Care Home.
 - (c.) Clubs or Community Centers.
 - (d.) Group Residential Facilities.
 - (e.) Group Living Facilities.
 - (f.) Golf courses.
 - (g.) Hospitals and hospices.
 - (h.) Local public utility facilities over sixty (60) feet in height, and public utility facilities.
 - (i.) Mortuaries and Cemeteries.
 - (j.) Nursing homes and group homes for the elderly. (*See section D for design requirements for this use).
 - (k.) Retreats Center.
 - (l.) Satellite dishes (additional provisions of Section 1003.167 of the Chesterfield City Code).
 - (m.) Sewage treatment facilities, other than facilities permitted as an accessory use.
 - (n.) Specialized private schools.
- (3.) **Accessory Land Uses.** Subject to compliance with the procedures of this section, accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or (unless restricted by applicable condition) a conditional land use. This is permissible when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, and serves to further the successful utilization of the primary use. Accessory uses include the following:
- (a.) Devices for the generation of energy, such as solar panels, wind generators, and similar devices.
 - (b.) Individual sewage treatment facilities serving an individual dwelling or non-residential use, as approved by the appropriate regulatory

agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.

C. Development Standards. Unless otherwise specified in a site specific ordinance, the development criteria for the "R-7" District shall be as follows:

(1.) Minimum lot area.

- (a.) The minimum lot size for single family dwellings shall be 4,500 square feet.
- (b.) The minimum lot size for two-family dwellings shall be 2,500 square feet per unit.
- (c.) The minimum lot size for three-family dwellings shall be 2,000 square feet per unit.
- (d.) The minimum lot size for multiple family dwelling shall be 1,750 square feet per unit.
- (e.) The minimum lot area requirements for non residential uses are listed below:

| USE | MINIMUM LOT SIZE |
|--|--|
| Churches and other places of worship | ½ acre |
| Child care center, nursery school, day care home. | 4,500 sq ft |
| Group living facilities | 3 acres |
| Fire station | ½ acre |
| Group residential facilities | 4,500 sq ft |
| Library | ½ acre |
| Local public utility facilities | 10,000 sq ft |
| Mortuaries and cemeteries. (also requires 200 ft. frontage on State Rd and adjacent to existing commercial district) | 3 acres |
| Police station | 10,000 sq ft |
| Residential substance abuse treatment facilities* (See Section E. for specific requirements) | 3 acres (5 acres for a facility of more than 8 resident patients.) |
| Educational facilities: | |
| Nursery or day nursery | 15,000 sq ft |
| Kindergarten | 1 acre |
| Primary | 5 acres |
| Junior High | 10 acres |
| Senior High | 20 acres |
| Collegiate | 10 acres |
| All other non residential uses | 12,000 square feet |

- (f.) Any lot or tract of record on the effective date of this ordinance, which contains less than 4,500 square feet, may be used as a site for one single-family dwelling together with accessory structures and uses.
 - (g.) Foster homes for handicapped children and not-for-profit private clubs and recreational land uses, including community center, as approved by the Planning Commission via a conditional use permit, may be established on tracts of land less than 12,000 square feet where the related parking needs, outdoor facilities, size of buildings, and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than 8,000 square feet.
 - (h.) Specialized private schools shall be located on a tract land containing one acre for each fifteen (15) pupils, but in no case less than five (5) acres, nor more than that required by the school land area requirements, as listed in section b. above.
- (2.) Setbacks for residential and non-residential uses.
- (a.) The minimum front yard setback from any roadway right-of-way line shall be twenty (20) feet.
 - (b.) Side yard.
 - i. No single-family dwelling or unattached side of an attached single-family dwelling or structure accessory to a single-family or attached single-family dwelling except as noted shall be allowed within five (5) feet of any side property line.
 - ii. Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any side property line.
 - iii. No other structure shall be allowed within ten (10) feet of any side property line.
 - (c.) Rear yard.
 - i. No structure, except single-family attached dwellings and detached garages accessory to unattached single-family dwellings, shall be allowed within fifteen (15) feet of any rear property line.
 - ii. Unattached sides of single-family attached dwellings shall be a minimum of fifteen (15) feet from any rear property line.
 - iii. Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any rear property line.

- (d.) In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions from a lot, for distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.
- (e.) Boundary walls, retaining walls, or fences, six (6) feet or less in height, are allowed within the minimum yard requirements.
- (f.) Parking lots for five (5) or more vehicles, loading spaces, or internal drives serving said parking lots or loading spaces, except ingress and egress drives, shall be set back a minimum of twenty (20) feet from any roadway right-of-way line and ten (10) feet from any adjoining property in a "PS", "NU", or "R" District. No setback is required from adjoining properties in a "C" or "M" District unless required by the conditions of a conditional use permit.
- (g.) Setback between buildings. No wall of any separate (detached) structure, other than a single-family or structures accessory to a single-family dwelling, shall be located closer to any wall of another structure than as set out in the following table:

| Wall | Setback | | | |
|--------------|--|---|---|---|
| | Front | Side | Rear | Walls of detached accessory building. |
| Front | 50 ft. plus 1 ft for each 2 feet of height above 45 feet for each building | 30 ft. except 20 ft. if side wall has no windows; plus 3 ft of height above 45 ft for each building | 30 ft. except 20 ft. if side wall has no windows; plus 3 ft of height above 45 ft for each building | 30 ft. plus 1 foot for each 2 ft of height above 45 ft for each building. |
| Side or Rear | 30 ft except 20 ft if side wall has no windows, plus 1 foot for 3 feet of height above 45 feet for each building | 20 feet plus 1 foot for each 3 feet of height above 45 feet for each building | 20 feet plus 1 foot for each 3 feet of height above 45 feet for each building | 10 feet plus 1 foot for each 2 feet of height above 45 feet for each building |

*Any dimension given above shall include the side yard required for a single-family dwelling, when any described wall faces the side lot of any separately owned property, whether or not any structure is located on said property.

(3.) Yard Exceptions.

- (a.) Ordinary projections of skylights, sills, belt courses, cornices and ornamental features shall not project more than twelve (12) inches over the setback;
- (b.) Ordinary projecting of chimneys and flues, not to exceed seventy-two (72) inches in width, shall not project more than twenty-four (24) inches over the setback;
- (c.) Roof overhangs shall not project over eighteen (18) inches over the setback, except that roof overhangs on the south side of a building may project forty-eight (48) inches to a property line;
- (d.) Slab type porches or paved terraces having a maximum height of not more than twelve (12) inches above ground elevation at any point may project into any yard except that the projection into the front yard shall not exceed ten (10) feet;
- (e.) Air conditioning units may extend into side or rear yards a maximum of thirty (30) inches, with air conditioning units including mounting pedestals not to exceed forty-eight (48) inches in height above ground elevation within side or rear yards

(4.) Pavement and lot widths.

- (a.) Pavement and right-of-way widths shall be as specified in Section 1005.180 of the Chesterfield City Code.
- (b.) If a lot of record existing on the effective date of this ordinance has a width of sixty (60) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.

(5.) Corner lots. Notwithstanding any other provision of this City Code, on corner lots, no structure or plan material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the site distance triangle.

(6.) Height. No structure, other than a public utility tower authorized by a conditional use permit, shall exceed a height of 200 feet above the average finished ground elevation at the perimeter of the structure; except that the height of structures may be further restricted as provided in Section 1003.161 of the Chesterfield City Code.

(7.) Lighting. Light standards for street lighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the minimum front yard setback when approved by the Department of Planning and Public Works. Light standards for parking lot lighting are

allowed no closer than ten (10) feet of any side or rear yard line which adjoins property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" District.

- (8.) Landscaping. Landscaping shall adhere to the landscaping regulations in the City of Chesterfield Tree Manual.
- (9.) Signs. Signs shall adhere to the sign regulations in Section 1003.168 of the Chesterfield City Code. Permitted information signs, six (6) feet or less in height, are allowed within the minimum front yard setback. Permitted directional signs, three (3) feet or less in height are allowed within the minimum front yard setback.
- (10.) Off-street parking and loading requirements.
 - (a.) Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 1003.165 of the Chesterfield City Code.
 - (b.) Parking shall be screened from any adjoining property in a "PS", "NU", or "R" District using fences, berms, or landscaping.
- (11.) All uses shall operate in conformity with the appropriate performance standards contained in Section 1003.163 of the Chesterfield City Code.

D. Development Standards for Nursing Homes.

- (1.) Densities of self-care units shall not exceed thirty-five (35) units per acre.
- (2.) No building within a nursing home development shall exceed a two hundred (200) feet above the average ground elevation at the perimeter of the building.
- (3.) Accessory commercial uses in the form of limited service and retail commercial uses, not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one self-care building, shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber and beauty shop, floor or drug store, laundry or dry-cleaning pick-up, and newspaper stand and card shop.
- (4.) No building within a nursing home development shall be allowed within a twenty (20) feet of any property line.

E. Development Standards for Residential Substance Abuse Treatment Centers.

- (1.) Densities shall not exceed eight (8) resident patients and two (2) house parents or support staff, per facility for lots less than five (5) acres.
- (2.) No building when a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
- (3.) No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.
- (4.) Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.

F. Development standards for Multi-Family, Row Houses, or Group Homes.

- (1.) The following development standards are minimum requirements and may be made more restrictive in the conditions of the ordinance governing the particular district:

| TABLE 1: DEVELOPMENT STANDARDS | |
|---------------------------------------|---|
| Common Open Space | 40% |
| Building Setback | Shall be as required in the underlying zoning district. |
| Building Height | Shall be as required in the underlying zoning district. |
| Parking | Zoning Ordinance Section 1003.165 |

* Tandem Parking is defined as a parking space within a group of two or more parking spaces arranged one behind the other. Each car must be able to enter and exit a parking space independently of the movement of any other vehicle.

Amendment to Section 1003.125 "R-8" Residence District Regulations.

1. "R-8" Residence District Regulations.

A. Purpose. The "R-8" District is established to provide for residential dwellings and uses, to allow for such other related uses which are of a residential nature and are compatible with the character of the district, and to provide district regulations and development requirements.

B. Uses. Permitted, conditional, and accessory land uses are permitted as follows:

(1.) **Permitted Uses:**

(a.) Churches and other places of worship.

(b.) Dwellings, multiple family, row houses, and other group house arrangements of attached or detached buildings.

(c.) Dwellings, single-family detached.

(d.) Educational Facilities-College/University, Primary/Secondary, Kindergarten or Nursery School.

(e.) Home occupations.

(f.) Libraries.

(g.) Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:

i. Adequately screened with landscaping, fencing or walls, or any combination thereof; or

ii. Placed underground; or

iii. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning and Public Works for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning and Public Works.

(h.) Parks and Playgrounds.

(i.) Public Safety Facilities.

(j.) Educational Facilities-College/University, Primary/Secondary, Kindergarten or Nursery School.

- (2.) **Conditional Uses.** The following uses may be permitted under conditions and requirements specified in Section 1003.181 of the Chesterfield City Code.
- (a.) Administrative offices and educational or religious facilities.
 - (b.) Child Care Center, Nursery School, Day Care Home.
 - (c.) Clubs or Community Centers.
 - (d.) Group Residential Facilities.
 - (e.) Group Living Facilities.
 - (f.) Golf courses.
 - (g.) Hospitals and hospices.
 - (h.) Local public utility facilities over sixty (60) feet in height, and public utility facilities.
 - (i.) Mortuaries and Cemeteries.
 - (j.) Nursing homes and group homes for the elderly. (*See section D for design requirements for this use).
 - (k.) Retreats Center.
 - (l.) Satellite dishes (additional provisions of Section 1003.167 of the Chesterfield City Code).
 - (m.) Sewage treatment facilities, other than facilities permitted as an accessory use.
 - (n.) Specialized private schools.
- (3.) **Accessory Land Uses.** Subject to compliance with the procedures of this section, accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or (unless restricted by applicable condition) a conditional land use when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use and serves only to further the successful utilization of the primary use. Accessory uses include the following:
- (a.) Devices for the generation of energy, such as solar panels, wind generators, and similar devices.
 - (b.) Individual sewage treatment facilities serving an individual dwelling or non-residential use, as approved by the appropriate regulatory

agency. The sewage treatment facilities shall not exceed five thousand (5,000) gallons per day flow.

C. Development Standards. Unless otherwise specified in a site specific ordinance, the development criteria for the "R-8" District shall be as follows:

(1.) Minimum lot area.

- (a.) The minimum lot size for single family dwellings shall be 4,500 square feet.
- (b.) The minimum lot size for two-family dwellings shall be 2,500 square feet per unit.
- (c.) The minimum lot size for three-family dwellings shall be 2,000 square feet per unit.
- (d.) The minimum lot size for multiple family dwelling shall be 500 square feet per unit.
- (e.) The minimum lot area requirements for non residential uses are listed below:

| USE | MINIMUM LOT SIZE |
|--|-------------------------|
| Churches and other places of worship | 30,000 sq ft |
| Child care center, nursery school, day care home. | 1/2 acre |
| Group living facilities | 10,000 sq ft |
| Fire station | 3 acres |
| Group residential facilities | 1/2 acre |
| Library | 4,500 sq ft |
| Local public utility facilities | 4,500 sq ft |
| Mortuaries and cemeteries. (also requires 200 ft. frontage on State Rd and adjacent to existing commercial district) | 8,000 sq ft |
| Police station | 3 acres |
| Residential substance abuse treatment facilities* (See Section E. for specific requirements) | 3 acres |
| Schools: | |
| Nursery or day nursery | 15,000 sq ft |
| Kindergarten | 1 acre |
| Primary | 5 acres |
| Junior High | 10 acres |
| Senior High | 20 acres |
| Collegiate | 10 acres |
| All other non residential uses | 12,000 square feet |

- (f.) Any lot or tract of record on the effective date of this ordinance, which contains less than 4,500 square feet, may be used as a site for one single-family dwelling together with accessory structures and uses.
- (g.) Clubs or community centers, as approved by the Planning Commission via a conditional use permit, may be established on tracts of land less than 12,000 square feet where the related parking needs, outdoor facilities, size of buildings, and maximum membership of the developments and uses are deemed consistent with the intensity of land use in the neighborhood of the uses and developments. However, the minimum tract area for the conditional developments and uses shall not be less than 8,000 square feet.
- (h.) Specialized private schools shall be located on a tract land containing one acre for each fifteen (15) pupils, but in no case less than five (5) acres, nor more than that required by the school land area requirements, as listed in section b. above.

(2.) Setbacks for residential and non-residential uses.

- (a.) The minimum front yard setback from any roadway right-of-way line shall be twenty (20) feet.
- (b.) Side yard.
 - i. No single-family dwelling or unattached side of an attached single-family dwelling or structure accessory to a single-family or attached single family dwelling except as noted shall be allowed within five (5) feet of any side property line.
 - ii. Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any side property line.
 - iii. No other structure shall be allowed within ten (10) feet of any side property line.
- (c.) Rear yard.
 - i. No structure, except single-family attached dwellings and detached garages accessory to unattached single-family dwellings, shall be allowed within fifteen (15) feet of any rear property line.
 - ii. Unattached sides of single-family attached dwellings shall be a minimum of fifteen (15) feet from any rear property line.
 - iii. Detached garages accessory to unattached single-family dwellings shall be a minimum of three (3) feet from any rear property line.
- (d.) In the event that greater than fifty percent (50%) of the existing dwelling structures on the same side of a street and in both directions

from a lot, for distance of five hundred (500) feet or to the nearest intersecting street, whichever distance is less, have a variation in front yard setbacks of no more than ten (10) feet, the required front yard for that lot shall be the average setback of those structures. However, in no case shall any building be located closer than fifteen (15) feet from any roadway right-of-way line, nor shall a setback of greater than fifty (50) feet be required.

- (e.) Boundary walls, retaining walls, or fences, six (6) feet or less in height, are allowed within the minimum yard requirements.
- (f.) Parking lots for five (5) or more vehicles, loading spaces, or internal drives serving said parking lots or loading spaces, except ingress and egress drives, shall be set back a minimum of twenty (20) feet from any roadway right-of-way line and ten (10) feet from any adjoining property in a "PS", "NU", or "R" District. No setback is required from adjoining properties in a "C" or "M" District unless required by the conditions of a conditional use permit.
- (g.) Setback between buildings. No wall of any separate (detached) structure, other than a single-family or structures accessory to a single-family dwelling, shall be located closer to any wall of another structure than as set out in the following table:

| Wall | Setback | | | |
|--------------|--|---|---|---|
| | Front | Side | Rear | Walls of detached accessory building. |
| Front | 50 ft. plus 1 ft for each 2 feet of height above 45 feet for each building | 30 ft. except 20 ft. if side wall has no windows; plus 3 ft of height above 45 ft for each building | 30 ft. except 20 ft. if side wall has no windows; plus 3 ft of height above 45 ft for each building | 30 ft. plus 1 foot for each 2 ft of height above 45 ft for each building. |
| Side or Rear | 30 ft except 20 ft if side wall has no windows, plus 1 foot for 3 feet of height above 45 feet for each building | 20 feet plus 1 foot for each 3 feet of height above 45 feet for each building | 20 feet plus 1 foot for each 3 feet of height above 45 feet for each building | 10 feet plus 1 foot for each 2 feet of height above 45 feet for each building |

*Any dimension given above shall include the side yard required for a single-family dwelling, when any described wall faces the side lot of any separately owned property, whether or not any structure is located on said property.

(3.) Yard Exceptions.

- (a.) Ordinary projections of skylights, sills, belt courses, cornices and ornamental features shall not project more than twelve (12) inches over the setback;
- (b.) Ordinary projecting of chimneys and flues, not to exceed seventy-two (72) inches in width, shall not project more than twenty-four (24) inches over the setback;
- (c.) Roof overhangs shall not project over eighteen (18) inches over the setback, except that roof overhangs on the south side of a building may project forty-eight (48) inches to a property line;
- (d.) Slab type porches or paved terraces having a maximum height of not more than twelve (12) inches above ground elevation at any point may project into any yard except that the projection into the front yard shall not exceed ten (10) feet;
- (e.) Air conditioning units may extend into side or rear yards a maximum of thirty (30) inches, with air conditioning units including mounting pedestals not to exceed forty-eight (48) inches in height above ground elevation within side or rear yards

(4.) Pavement and lot widths.

- (a.) Pavement and right-of-way widths shall be as specified in Section 1005.180 of the Chesterfield City Code...
- (b.) If a lot of record existing on the effective date of this ordinance has a width of sixty (60) feet or less, the side yard on each side of any structure erected on such lot may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instances shall such yard be less than five (5) feet in width.

(5.) Corner lots. Notwithstanding any other provision of this City Code, on corner lots, no structure or plan material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the site distance triangle.

(6.) Height. No structure, other than a public utility tower authorized by a conditional use permit, shall exceed a height of 200 feet above the average finished ground elevation at the perimeter of the structure; except that the height of structures may be further restricted as provided in Section 1003.161 of the Chesterfield City Code.

(7.) Lighting. Light standards for street lighting or at points of ingress and egress, but not including parking lot lighting, are allowed within the minimum front yard setback when approved by the Department of Planning and Public Works. Light standards for parking lot lighting are allowed no closer than ten (10) feet of any side or rear yard line which

adjoins property in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" District.

- (8.) Landscaping. Landscaping shall adhere to the landscaping regulations in the City of Chesterfield Tree Manual.
- (9.) Signs. Signs shall adhere to the sign regulations in Section 1003.168 of the Chesterfield City Code. Permitted information signs, six (6) feet or less in height, are allowed within the minimum front yard setback. Permitted directional signs, three (3) feet or less in height are allowed within the minimum front yard setback.
- (10.) Off-street parking and loading requirements.
 - (a.) Off-street parking and loading requirements and setbacks for parking areas, loading spaces and internal drives are set forth in Section 1003.165 of the Chesterfield City Code.
 - (b.) Parking shall be screened from any adjoining property in a "PS", "NU", or "R" District using fences, berms, or landscaping.
- (11.) All uses shall operate in conformity with the appropriate development standards contained in Section 1003.163 of the Chesterfield City Code.

D. Development Standards for Nursing Homes.

- (1.) Densities of self-care units shall not exceed ninety (90) units per acre.
- (2.) No building within a nursing home development shall exceed a two hundred (200) feet above the average ground elevation at the perimeter of the building.
- (3.) Accessory commercial uses in the form of limited service and retail commercial uses, not to exceed five percent (5%) of the total gross floor area of the self-care building or buildings, excluding garages, to be located within one self-care building, shall be permitted in conjunction with existing nursing homes with a minimum of one hundred (100) beds and fifty (50) self-care units. There shall be no indication, through signs or other devices on the exterior that such commercial uses are in existence. Uses authorized may include a financial facility, excluding drive-up and external walk-up facilities, barber and beauty shop, florist or drug store, laundry or dry-cleaning pick-up, and newspaper stand and card shop.
- (4.) No building within a nursing home development shall be allowed within a twenty (20) feet of any property line.

E. Development Standards for Residential Substance Abuse Treatment Centers.

- (1.) Densities shall not exceed eight (8) resident patients and two (2) house parents or support staff, per facility for lots less than five (5) acres.
- (2.) No building when a residential substance abuse treatment facility development shall exceed a height of three (3) stories or forty-five (45) feet above the average ground elevation at the perimeter of the building, whichever is less.
- (3.) No building within a residential substance abuse treatment facility development shall be allowed within a minimum of fifty (50) feet of any property line.
- (4.) Residential substance abuse treatment facilities shall maintain a minimum radius of two (2) miles between each facility.

F. Development standards for Multi-Family, Row Houses, or Group Homes.

- (1.) The following development standards are minimum requirements and may be made more restrictive in the conditions of the ordinance governing the particular district:

| TABLE 1: DEVELOPMENT STANDARDS | |
|---------------------------------------|---|
| Common Open Space | 40% |
| Building Setback | Shall be as required in the underlying zoning district. |
| Building Height | Shall be as required in the underlying zoning district. |
| Parking | Zoning Ordinance Section 1003.165 |

* Tandem Parking is defined as a parking space within a group of two or more parking spaces arranged one behind the other. Each car must be able to enter and exit a parking space independently of the movement of any other vehicle.

SECTION 1003.126: REGULATIONS FOR SINGLE-FAMILY RESIDENTIAL TEAR DOWNS AND ADDITIONS

The following requirements shall apply for single family residential tear downs and additions in established districts:

1. General.

- A. Tear downs and additions shall adhere to the development standards of the City of Chesterfield Zoning Ordinance as well as any other element of the City Code that shall be deemed applicable.
- B. The following items are required with the submittal for all tear downs and new construction and/or additions:
 - (1.) An Application for Municipal Zoning Authorization.
 - (2.) Photos of the adjacent residential properties when Planning Commission review is required.
 - (3.) Architectural elevations and building materials addressing City of Chesterfield Architectural Review Board Design Guidelines when Planning Commission review is required.
 - (4.) Documentation that all adjacent property owners and subdivision trustees were notified of the proposed new construction.
 - (5.) Five (5) copies of a Plot Plan/Site Plan, drawn to scale and including the following information:
 - (a.) All specific information required by the ordinance authorizing the development;
 - (b.) Location and size, including height of the residential dwelling and all other structures located on the property;
 - (c.) Proposed driveway;
 - (d.) All existing and proposed easements/rights-of-way on the site; and
 - (e.) Specific structure setbacks in accordance with the structure setbacks established in the governing zoning district.

2. Minimum Yard Requirements.

- A. The minimum yard requirements shall be those established for the district in which the dwelling is located. Exceptions may be established by existing non-conforming

properties by variance granted through the City of Chesterfield Board of Adjustment.

- B. In non-conforming subdivisions that have no platted building line, the prevailing pattern of the front yard setback in the subdivision shall establish the front yard setback. Determination of said prevailing pattern shall be based on the ten (10) closest lots in the subdivision. If there are fewer than ten (10) lots or the subject site is not in a subdivision, the prevailing pattern of the lots on the block frontage shall be used.

3. Height Regulations.

- A. If the entire neighborhood consists of one (1) story houses, plans for the first two (2) story house shall be reviewed by the Planning Commission. If the subdivision indentures already permit two (2) story houses, then the plans do not require review by the Planning Commission.

4. Review.

- A. Applications for residential additions are reviewed by the Department of Planning and Public Works:

- (1.) Any addition larger than one thousand (1,000) square feet and where the proposed addition increases the gross livable floor space by more than 30% shall be approved by the City of Chesterfield Planning Commission.

5. Exceptions.

- A. Where a developed property in a residential zoning district is found to be non-conforming with regards to the dimensional requirements of the particular zoning district for which it resides and said property submits an application for tear down and construction or addition, the Planning Commission shall make a determination of approval or denial based on the intent of this ordinance.

6. Appeal.

- A. Decisions of the Director of Planning and Public Works regarding the application of this ordinance may be appealed to the Board of Adjustment in accordance with applicable procedures as established by the Board of Adjustment.

Section 1003.187 Planned Unit Development

1. *Scope of Provisions:*

This section contains the regulations of the Planned Unit Development or PUD. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in Chesterfield City Code which are incorporated as part of this section.

2. *Purpose:*

The purpose of the PUD District is to encourage flexibility to the density requirements and development standards of the zoning ordinance that will result in exceptional design, character, and quality of new homogenous and mixed use developments; to promote the most appropriate use of land; to facilitate the provision of streets and utilities; and to preserve the natural and scenic features and open space.

3. *General Requirements:*

- A. All property that is at least four (4) contiguous acres shall be eligible for the PUD District designation.
- B. All property to be zoned PUD or an existing PUD zoning district being amended shall be under single ownership, or if under multiple ownership, then by written consent of all owners who agree to be bound by the PUD District designation and regulations.
- C. The detailed standards set forth herein are minimum requirements and it is the intent of this Section that the City of Chesterfield may impose conditions and safeguards in excess of, or in addition to, the specified minimal requirements. Satisfying the minimum standards set forth herein does not per se indicate that an application is entitled to a zoning change and notice is hereby given to that effect.

4. *General Considerations:*

The following are a list of general considerations to be reviewed by the City of Chesterfield when analyzing applications for PUD zoning:

- A. The Applicant's narrative statement describing the character of and rationale for the proposed development;
- B. Land uses proposed are adopted as permitted uses within the Residential Zoning Districts included in the City of Chesterfield Code;
- C. Proposed residential densities as they compare to current City of Chesterfield Comprehensive Plan designation, Zoning Map delineation, infrastructure capacity and the effect upon public services, and optimal usage of the land;
- D. Whether the major components of the PUD are properly located and should be able to continue to function if any of the other phases are not completed, taking into factors such as the infrastructure guarantee procedures described within City of Chesterfield Subdivision Ordinance;

- E. The compatibility of proposed land uses within the PUD with the surrounding land uses and the Land Use Map of the Comprehensive Plan;
- F. Effects upon public health, safety, and general welfare.

5. Design Features:

The following list includes design features suggested to be utilized by developers when applying for PUD zoning. Satisfaction of all or any of these design features is not mandatory, but the approval of PUD zoning will be predicated on the use of the below list or any other design feature deemed desirable by the City of Chesterfield. Proposed inclusion of these design features within a PUD can increase the flexibility of design standards and the ability of the developer to negotiate the mitigation of other requirements.

- A. Placement of structures on most suitable sites with consideration of maintaining existing site topography, soils, vegetation, slope, etc;
- B. Preservation of natural and cultural areas, as well as the creation of open space through active and passive recreation areas to include greenways, landscape gardens, plazas, and walking and cycling trails that serve to connect significant areas and various land uses;
- C. Preservation of existing mature trees and trees deemed extraordinary by the City of Chesterfield Tree Specialist due to but not limited to the following: size, type, origin, grouping, or number of;
- D. Enhanced landscaping, deeper and opaque buffers, and increased planting along public right-of-ways, open space/recreational areas, and the overall perimeter to protect and ensure compatibility with adjacent land uses;
- E. Utilization of Mixed Use buildings;
- F. Utilization of Traditional Neighborhood Design (TND) techniques in the layout and spatial organization of the development;
- G. Structures designed and constructed of an architectural vernacular that exceeds the typical building design and materials within the City of Chesterfield;
- H. Segregation of vehicular traffic from pedestrian/bicycle circulation networks, and other traffic mitigation measures;
- I. Incorporation of Transit Oriented Development (TOD) or direct access to public transportation;
- J. Provision of affordable housing;
- K. Utilization of Leadership in Energy and Environmental Design (LEED) construction practices and development standards and the proposed LEED certification of buildings and grounds by the U.S. Green Building Council within the PUD; and

L. Inclusion of community facilities and the access thereto.

6. Permitted Land Uses:

A. Any land use, accessory land use, or conditional land use permitted in any Residential Zoning District adopted by the City of Chesterfield may be permitted in a PUD. Any PUD containing forty (40) or more residential lots or units, the following commercial uses may be authorized, when located in a separate structure or within a multiple family residence building:

- (1.) Barber or beauty shops
- (2.) Day care centers, child
- (3.) Drug stores and Pharmacy
- (4.) Grocery – Neighborhood
- (5.) Laundromat and dry cleaning establishment
- (6.) Newspaper stands
- (7.) Restaurants, site down and/or outdoor customer dining area

B. All areas of a PUD shall have an assigned land use.

7. Minimum Design Requirements for a PUD:

A. At a minimum all requests for PUD zoning shall meet those *General Requirements* as described in Section 3 of this ordinance and the following requirements:

- (1.) Maximum Residential Densities shall be determined by utilizing the following hierarchical order:
 - (a.) Existing zoning district maximum permitted density; and/or
 - (b.) When a proposed PUD is found to be zoned "NU" Non-Urban District and is not density restricted through the Comprehensive Plan, the maximum permitted density shall be without exception, one (1) residential unit per acre for the gross acreage of the proposed PUD property.
- (2.) A provision for common open space shall be provided in the PUD at a minimum of 30% of the total site acreage, to be displaced throughout the PUD and not concentrated in one area nor shall it contain only that portion of the proposed PUD that would be considered undevelopable due to topography or any other site specific related matter. All common open space areas shall be shown on all preliminary plans, site development plans, site development concept plans, site development section plans,

and record plats and shall be preserved and deed restricted as common open space.

- (3.) A PUD perimeter buffer shall be provided at a minimum of thirty (30) feet in width. The perimeter buffer shall be composed of a combination of existing trees (where applicable), trees selected from the approved tree list from the City of Chesterfield Tree Preservation and Landscape Requirements, and any combination of low lying shrubbery or other vegetation not including grassed turf.
- (4.) The proposed project shall be consistent with the purposes and intent of the Comprehensive Plan and City of Chesterfield Code unless otherwise stipulated in the governing ordinance.

8. *Dedications for public schools and public parks:*

- A. A Planned Unit Development may include land designated for dedication for public schools or public park use; such land area may be considered part of the gross acreage of the development in computing the maximum number of lots that may be created or maximum dwelling units that may be approved, provided that:
 - (1.) The area of the proposed development shall be at least thirty (30) acres in the case of a public school dedication and sixty (60) acres in the case of a public park dedication, unless otherwise authorized or required by the City of Chesterfield.
 - (2.) The proposed school site is compatible with a generalized plan for school locations published by the school district.
 - (3.) Prior to approval of a site development concept plan, a written agreement between the petitioner and the school district shall be submitted to the City of Chesterfield for review. This agreement shall indicate who is responsible for the installation of required improvements adjacent to or affecting the school site, and when the improvements will be installed.
 - (4.) The proposed site is dedicated to public school or park use in a manner approved by the City Attorney as to legal form prior to recording of the site development concept plan.
 - (5.) The site development concept plan identifies the boundaries of the dedicated tract within the development.
 - (6.) The deed of dedication for a public park(s) or public school use shall provide that in the event the property shall no longer be used for that purpose, it will revert to the trustees of the subdivision in which it is located as common land.

9. Procedure:

Procedures for filing, review, and approval of the PUD procedure shall be as follows:

A. *Application.* Application for a PUD for a specific tract of land shall be filed by the owner or owners of record, or owners under contract of a lot or tract of land, or their authorized representatives. Application shall be addressed to the City of Chesterfield and submitted to the Department of Planning & Public Works upon forms prescribed for such purpose and accompanied by the following:

- (1.) Filing fee per requirements of the City of Chesterfield Code.
- (2.) A PUD Narrative addressing the following:
 - (a.) A document, which may include architectural renderings, pictures, site plans, etc., describing the character of, and rationale for the proposed Planned Unit Development;
 - (b.) A description of any amenities or recreational facilities to be provided within the PUD;
 - (c.) A description of any lands to be dedicated for public facilities within the PUD;
 - (d.) Proposed phasing and time schedule if development is to be done in phases; and
 - (e.) Proposed phasing and time schedule for land to be dedicated for public facilities.
- (3.) PUD Preliminary Plan, to be approved as a part of the PUD ordinance shall be submitted to provide further explanation and detail as to how the proposed development shall meet the intent and requirements of this ordinance. A PUD Preliminary Plan shall include the following:
 - (b.) An outboundary plat of the tract with a land surveyor's seal and statement of verification regarding the source of boundary dimensions, bearings, and source of contour data.
 - (c.) A location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one-hundred (100) feet.
 - (d.) The names of the owners of all property adjoining the tract as disclosed by the most recent assessor's record.
 - (e.) 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, and significant natural features, such as wooded areas and rock formations, that are to remain or be removed.

- (f.) Lot area, yard setback, and height requirements shall be as established in the ordinance authorizing the PUD.
 - (g.) The total maximum number of density units and their general location within the PUD.
 - (h.) PUD perimeter buffers and setbacks.
 - (i.) All proposed areas of ingress and egress onto the PUD.
 - (j.) Existing and proposed contours at vertical intervals of not more than two (2) feet referred to sea level datum utilizing USGS data.
 - (k.) Approximate location of any historical artifacts, buildings, or historically significant buildings as identified by the Landmarks Preservation Committee, the City of Chesterfield, and St. Louis County within the boundaries of the tract.
- B. **Simultaneous Change of Zoning Petitions.** Where a developer or land owner wishes to request a change in the residential zoning designation prior to obtaining PUD zoning, an additional petition for a change of zoning outlining said request may be filed along with the petition for PUD zoning. The requirements for this additional petition are outlined in section 1003.300 of the City of Chesterfield Zoning Ordinance.
- C. *Public Hearing.* A public hearing on the petition shall be held by the Planning Commission in accordance with City of Chesterfield Code.
- D. *Planning Commission Recommendation.* Upon review of the application, the Planning Commission may recommend approval, approval subject to appropriate conditions, or denial. Conditions may relate to, but need not be limited to, the following:
- (1.) Those items as listed in General Considerations;
 - (2.) Those items as listing in Design Features; and
 - (3.) Development Standards to be applied to each lot in the PUD.
- E. *City Council Action.* Upon receipt of the Planning Commission's recommendation, the City Council shall either approve the Planned Unit Development by approving an ordinance authorizing the development or deny the application. If the application is approved, the matter shall be returned to the Planning Commission for consideration of a site development plan, site development concept plan, or site development section plan.

F. *Appeal or Protest Procedure.*

- (1.) *Appeal by petitioner to recommendation of denial.* The petitioner may file an appeal to the City Council of a Planning Commission recommendation of denial of an application for a Planned Unit Development or an amendment thereto in accord with the provisions of Chesterfield City Code.
- (2.) *Protest by specified nearby property owners to recommendation of approval.* Specified nearby property owners may file a protest with the City Council against the Planning Commission's recommendation of approval of an application for a Planned Unit Development procedure or an amendment thereto in accord with the provisions of Chesterfield City Code.

G. *Site Development Plan, Site Development Concept Plan, and Site Development Section Plan Requirements shall be as follows:*

- (1.) *Site Development Concept Plan (SDCP) requirements.* A SDCP shall include, in addition to specific information required by the ordinance authorizing the development, the following general information:
 - (a.) Outboundary plat and legal description of the property.
 - (b.) The total number of density units and their general location within the PUD.
 - (c.) Location of all roadways adjacent to the property and general location, size, and pavement widths of all interior roadways.
 - (d.) General design of the development including unit types (i.e., single-family detached, single-family attached, garden apartment, etc.), number of each unit type proposed, location of units, minimum and maximum size of single-family lots, approximate size of multiple-family structures, and location and size of common areas and recreation facilities.
 - (e.) Location and size of any commercial uses; types of uses proposed and general parking layout.
 - (f.) Include conceptual landscape plan in accordance with the City of Chesterfield Code to indicate proposed landscaping along arterial and collector roadways.
 - (g.) PUD perimeter buffers and setbacks.
 - (h.) All proposed areas of ingress and egress onto the PUD.
 - (i.) Exterior to the PUD, zoning district lines and floodplain boundaries.

- (2.) *Planning Commission Review.* The Planning Commission can approve or disapprove the SDCP. The Planning Commission's recommendation shall be based upon whether the SDCP meets the requirements of the approved PUD Ordinance. The Planning Commission shall also consider architectural, landscape, and other relationships which may exist between the proposed development and the character of the surrounding neighborhood and shall prescribe or require such physical treatment or other limitations as will, in its opinion, ensure compatibility.
- (3.) *Recording.* Upon approval of the site development concept plan by the Planning Commission, the owner(s) or authorized representative shall, within sixty (60) days of the approval date, record the plan with the St. Louis County Recorder of Deeds as a Planned Unit Development. Failure to record the site development concept plan within the time specified shall cause approval of the plan to terminate. An extension of recording time may be granted by the Planning Commission for a period not to exceed one hundred eighty (180) days from the date of approval by the Planning Commission. A hard copy must also be filed with the City of Chesterfield.
- (4.) *Site Development Plans and Site Development Section Plans.* For the purpose of this ordinance, Site Development Plans and Site Development Section Plans shall serve as the Preliminary Plat within an approved PUD. A site development plan or site development section plan (SDP/SDSP) for a single phase PUD or for each plat or phase of the Planned Unit Development shall be submitted to the Department of Planning and Public Works for review and approval. The SDP/SDSP shall contain such information as is required by the ordinance establishing the Planned Unit Development, in addition to such other information required on a preliminary plat in accord with Section 1005.060 of the Chesterfield City Code. The plans shall be retained on file by the Department of Planning and Public Works. An approved SDP/SDSP shall constitute an approved preliminary plat for subdivision purposes. SDP/SDSP submittal shall include a Tree Stand Delineation and Tree Preservation Plan. No building permits or authorization for improvement, development, clearing, grubbing or grading for any use authorized under provisions of the PUD ordinance governing the tract shall be issued prior to approval of such plans.

Where elements within the designated planned unit development boundary are necessary to the support of a given section, but not included within the section boundary, these elements shall be included on a site plan accompanying, or a part of, the site development section plan. This provision shall ensure that any and all phases of a PUD shall be able to function independently from any and all other phases within that PUD.

For developments consisting of a single plat or phase, the site development plan may include all the information required for concept plans and site development section plans, and the requirement for submittal of concept plans and site development section plans may be

waived. Notification of intent to develop the PUD in such manor must be made by the developer or property owner to the City of Chesterfield, prior to site development plan submittal.

H. *Procedures to amend the PUD Ordinance or required plans.* In order to amend provisions of an existing Planned Unit Development ordinance or to amend a site development plan, site development concept plan, or site development section plan approved for the PUD, the procedure shall be as follows:

(1.) *To amend the PUD ordinance:*

- (a.) The property owner or authorized representative shall submit a written request to amend ordinance conditions to the Department of Planning and Public Works for review. The Department shall then evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.
- (b.) After review by the Department of Planning and Public Works, a new public hearing shall be held on the matter in accord with proceedings specified in City of Chesterfield Code.

(2.) *To amend the Site Development Plan, Site Development Concept Plan, or Site Development Section Plans:*

- (a.) The procedure to amend the recorded site development plan, site development concept plan, or site development section plan is established in City of Chesterfield Code.
- (b.) The property owner or authorized representative shall submit an amended site development plan, site development concept plan, or site development section plan and completed application to the Department of Planning and Public Works for review. The Department shall then review the request and once all issues are addressed it shall be forwarded to Planning Commission for final review and approval.
- (c.) Once approved, said amended plan shall be recorded with the St. Louis County Recorder of Deeds within sixty (60) days of Commission approval, with a hard copy to be filed with the City of Chesterfield.

(3.) *Redevelopment of an Approved PUD.* In the event that an approved PUD is to be redeveloped to the extent that the approved land uses, parcels, densities, or ingress and egress onto the site are proposed to be modified; the existing PUD Ordinance will be required to be repealed and a new PUD Ordinance with all accompanied documents will be required to be submitted for approval by the City of Chesterfield. This new PUD Ordinance will be required to adhere to all requirements as described in this ordinance.

I. *Time periods for submission of plans and commencement of construction and extensions of time.*

- (1.) *Site Development Plan or Site Development Concept Plan.* The site development concept plan shall be submitted to the Planning Commission for review within eighteen (18) months after approval of the application by the City Council unless such time is extended by the Planning Commission. One such extension shall be allowed for a maximum of eighteen (18) additional months.
- (2.) *Commencement of construction.* Substantial construction shall commence within two (2) years of approval of the site development plan or site development concept plan, unless otherwise authorized by ordinance. Where due cause is shown by the petitioner, the Planning Commission may extend the period to commence construction for not more than one additional year. As used in this section, substantial construction shall mean final grading for roadways necessary for first approved plat or phase of construction and commencement of installation of sanitary and storm sewers.
- (3.) *Appeal of a denial of an extension of time.* Upon the denial by the Planning Commission of a request to extend the time for the filing or recording of a site development concept plan; or to commence construction, the applicant may file an appeal with the City Council requesting a determination from that body, except in such instances where the maximum time extensions have been granted.

A notice of appeal shall be filed within fifteen (15) days of action by the Commission. Notice of appeal to the City Council shall be in writing and shall be filed in duplicate with the City Clerk of the City Council. The applicant shall have an additional thirty (30) days to file the appeal. The appeal shall set forth the specific causes why the previously approved time for the filing or recording of a site development concept plan, or beginning construction could not be met, and within what period of time such requirement can be met.

Upon receipt of an appeal for a time extension, it shall be forwarded to the Planning Commission for report therein as to whether or not the facts offered in the appeal have or have not justified the requested time extension. The City Council on receipt of the Commission's report may affirm, reverse, or modify, in whole or in part, any determination of the Planning Commission or may grant or deny any request for an extension of time upon which the Planning Commission has taken action. An affirmative vote of five members of the whole City Council shall be required to reverse, modify, or amend any determination of the Planning Commission. A majority vote of the whole City Council shall be sufficient to affirm any determination of the Planning Commission.

- (4.) *Termination of Planned Unit Development.* In the event the site development plan or site development concept plan is not submitted or

substantial construction has not commenced within the prescribed time limits, the Planned Unit Development shall terminate, and the Planning Commission shall within forty-five (45) days initiate a resolution of intent for the purpose of a new public hearing to revert the property to its prior classification in accord with the proceedings specified in City of Chesterfield Code. Where a Planned Unit Development has terminated, no building permit shall be issued on that property until completion of action by the City Council on a resolution of intent to change the zoning of said property in accord with the provisions noted above.

J. *Trust Indentures and Warranty Deeds.* In developments where common open areas, which may include open spaces, recreational areas, or other common grounds, are provided and the acreage of which is included in the gross acreage for density calculation purposes, a trust indenture shall be recorded simultaneously with the record plat. The indenture shall provide for the proper and continuous maintenance and supervision of said common land by trustees to be selected and to act in accordance with the terms of such indenture and the common land shall be deeded to the trustees under said indenture by general warranty deed. The trust indenture and warranty deed shall comply with the requirements established in Section 1003.173 of the City of Chesterfield Code. In addition, the trust indenture shall contain the following provisions:

- (1.) That the common areas, including common open spaces, recreational areas; or other common grounds, shall be for the sole benefit, use, and enjoyment of the lot or unit owners, present and future, of the entire planned unit development or that the common areas may also be used by residents outside the planned unit development. If residents outside the planned unit development are permitted to use the common areas, the indenture shall contain provisions which shall provide, in essence, the following:
 - (a.) No resident of the Planned Unit Development shall be denied the use of the open space, recreational facilities, or other common ground for any reason related to the extension of such privilege to nonresidents of the planned unit development;
 - (b.) All rules and regulations promulgated pursuant to the indenture with respect to residents of the Planned Unit Development shall be applied equally to the residents;
 - (c.) All rules and regulations promulgated pursuant to the indenture with respect to nonresidents of the Planned Unit Development shall be applied equally to the nonresidents;
 - (d.) At any time after the recording of the indenture, a majority of the residents of the Planned Unit Development, by election duly called, may elect to allow or disallow usage of the open space, recreational facilities or other common grounds by nonresidents of the Planned Unit Development.

- (2.) The indentures shall contain provisions for the maintenance of all common areas and facilities and the means of collecting assessments necessary for the maintenance thereof.
- (3.) In Planned Unit Developments containing attached units, the indenture shall contain provisions for maintenance of common walls.