

III.A.

**Memorandum
Department of Planning & Public Works**



To: Planning and Zoning Committee
From: Aimee Nassif, Senior Planner of Zoning Administration
Date: 8/31/2007
RE: Proposed modification to submittal requirements for Residential Tear-downs and Residential Additions

Summary

At the August 27, 2007 City of Chesterfield Planning Commission meeting, the Planning Commission requested that in addition to the existing submittal requirements for residential tear-downs and residential additions that home owners who submit plans which require Planning Commission approval should be required to submit photos of their lot, their existing structure as well as adjacent properties.

Attached please find a copy of City of Chesterfield Ordinance Number 2298.

Respectfully submitted,

Aimee E. Nassif
Senior Planner of Zoning Administration

Cc: Michael G. Herring, City Administrator
Rob Heggie, City Attorney
Michael O. Geisel, Director of Planning and Public Works

AN ORDINANCE CHANGING, AND DELETING PORTIONS OF SECTION 1003.141 (MUSEUM AND ARTS AREA) AND SECTION 1003.126A (RESIDENTIAL TEAR-DOWNS) OF THE CITY OF CHESTERFIELD ZONING ORDINANCE, AND ADDING SECTION 1003.126B (RESIDENTIAL ADDITIONS). [P.Z. 19-2005 City of Chesterfield (Various Sections of Zoning Ordinance)]

WHEREAS, the Planning Commission Ordinance Review Committee has been working on amendments to various sections of the zoning ordinance; and,

WHEREAS, the amendments include development criteria for residential tear downs and residential additions, and an amendment regarding the type of banners permitted for the museum and arts area; and,

WHEREAS, the Planning Commission voted to recommend said amendments by a vote of 6-0.

WHEREAS, after consideration of an amendment, the City Council approved the request with an amendment to the time permitted for promotional banners, an amendment regarding the notification required and amendment to the height regulations for residential tear downs and additions.

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

Section 1. The City of Chesterfield Zoning Ordinance is hereby amended and agrees to make necessary changes thereto, as set out in Attachment "A" which is attached hereto and made a part hereof.

Section 2. The City Council, pursuant to the petition filed by the City of Chesterfield in P.Z. 19-2005, requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on January 23, 2006, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

Section 3. This ordinance shall be codified within the Municipal Code of the City of Chesterfield.

Section 4. This ordinance shall be in full force and effect from and after its passage and approval.

BY CITY COUNCIL (M&H)

Passed and approved this 6th day of SEPTEMBER, 2006

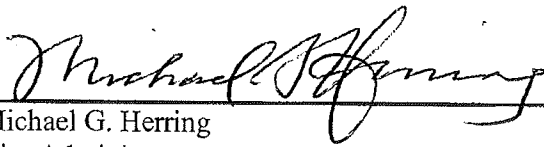
(SEE ATTACHED)
MAYOR

ATTEST:

Judith A. Haggan
DEPUTY CITY CLERK

First Reading Held: 3/6/2006

Bill No. 2431/Ordinance No. 2298 was passed/approved by City Council on Wednesday, September 6, 2006. This legislation was NOT SIGNED/VETOED by Mayor John Nations and, pursuant to RSMo 77.270, Bill No. 2431/Ordinance No. 2298 became law at the next regular City Council meeting, which took place on Monday, September 18, 2006.

A handwritten signature in cursive script, reading "Michael G. Herring". The signature is written in black ink and is positioned above a horizontal line.

Michael G. Herring
City Administrator

**SECTION 2:
SECTION 1003.126A REGULATIONS FOR NEW CONSTRUCTION IN
ESTABLISHED DISTRICTS**

The following requirements shall apply for new construction of single-family detached dwellings in established districts:

1. *General.*
 - A. New construction shall be harmonious and compatible with the existing residential dwellings.
 - B. Submittals shall include an application for municipal zoning and documentation that notification of the proposed new construction was provided to all adjacent property owners and subdivision trustees.
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.
3. *Front Yard.*
 - A. The front yard setback shall be as established in the governing zoning district.
 - 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.
4. *Side Yard and Rear Yard Setbacks.*
 - A. The side and rear yard setbacks shall be as established in the governing zoning district.
5. *Height and Dimensional Regulations.*
 - A. The height of any residential addition or tear down shall not exceed two (2) stories with a maximum height of thirty five (35) feet. Height is calculated from grade at front elevation to the top of the roof. If the height exceeds this requirement it shall be reviewed by the Planning Commission. However, if the entire subdivision consists of one (1) story houses, plans for the first two (2)

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story house shall be reviewed by the Planning Commission, except in subdivisions whose indentures already permit two (2) story houses.

- B. Residential additions shall not exceed the maximum height of the underlying zoning district.

SECTION 3: SECTION 1003.126B RESIDENTIAL ADDITIONS

1. General.

- A. All residential additions must be reviewed and approved by the City of Chesterfield prior to the approval of any Municipal Zoning Application.
- B. The following items are required with the submittal for all residential additions:
 - (1.) Three (3) copies of Site Development Plan, drawn to scale and including the following:
 - a. All specific information required by the ordinance authorizing the development;
 - b. Location and size, including height of the residential dwelling;
 - c. Proposed driveway;
 - d. All existing and proposed easements/rights-of-way on site;
 - e. Specific structure setbacks in accordance with the structure setbacks established in the governing zoning district;
 - f. Architectural elevations and building materials addressing City of Chesterfield Design Guidelines;
 - g. Plan should be signed and sealed;
 - h. Provide documentation that notification of the proposed addition was provided to all adjacent property owners and subdivision trustees.

2. Height and Dimension Regulations.

A. Height Requirements

- (1.) The height of any residential addition or tear down shall not exceed two (2) stories with a maximum height of thirty five (35) feet. Height is calculated from grade at front elevation to the top of the roof. If the height exceeds this requirement it shall be reviewed by the Planning Commission. However, if the entire subdivision consists of one (1) story houses, plans for the first two (2) story house shall be reviewed by the Planning Commission, except in subdivisions whose indentures already permit two (2) story houses.

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- (2.) Residential additions shall not exceed the maximum height of the underlying zoning district.
- B. Any addition greater than five hundred (500) square feet shall be approved by the City of Chesterfield Planning Commission.
- C. Residential additions, including the height of all additions, shall be harmonious and compatible with the existing residential dwellings.