

**Notice of Public Hearing  
City of Chesterfield  
Board of Adjustment**

**NOTICE IS HEREBY GIVEN** that the Board of Adjustment of the City of Chesterfield will hold a Public Hearing on Thursday, October 2, 2008 at 7:00 p.m. in the City Council Chambers at the City of Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri, 63017

The Board will consider the following:

**B.A. 09-2008 Downtown Chesterfield (Chesterfield Village Inc.):** A request for a variance from City of Chesterfield Ordinance #1617 to permit a parking structure in a "C8" Planned Commercial development to maintain a fifteen (15) foot setback in lieu of the required fifty (50) foot setback and a second variance to Section 1003.168c.2.2.f of the City of Chesterfield Zoning Ordinance to permit two subdivision identification signs at one main entrance to the subdivision. (18T340234)



All interested parties are invited to appear and be heard at the hearing.

Copies of the request are available for review at the City Government Center Monday through Friday, from 8:30 a.m. to 4:30 p.m. If you should need additional information about this project, please contact Mara Perry, Senior Planner by telephone at 636-537-4744 or by email at [mperry@chesterfield.mo.us](mailto:mperry@chesterfield.mo.us)

City of Chesterfield

Mara M. Perry, AICP  
Senior Planner



**IV. A.**

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

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September 25, 2008

Board of Adjustment  
City of Chesterfield  
690 Chesterfield Parkway West  
Chesterfield, MO 63017

Re: **B.A. 09-2008 Downtown Chesterfield (Chesterfield Village Inc.):** A request for a variance from City of Chesterfield Ordinance #1617 to permit a parking structure in a "C8" Planned Commercial development to maintain a fifteen (15) foot setback in lieu of the required fifty (50) foot setback and a second variance to Section 1003.168c.2.2.f of the City of Chesterfield Zoning Ordinance to permit two subdivision identification signs at one main entrance to the subdivision. (18T340234)

Dear Board Members:

Doster Guin James Ullom Benson & Mundorf LLC, on behalf of Sachs Properties, has submitted for your review and action a request to the Board of Adjustment for the above-mentioned variances. In review of the petitioner's requests, the Department of Planning and Public Works submits the following report:

**BACKGROUND OF SITE**

1. Prior to incorporation of the City of Chesterfield, St. Louis County zoned the subject property "C-8" Planned Commercial and "FP C-8" Flood Plain Planned Commercial Districts under Ordinance 6815.
2. In 1997, the City of Chesterfield approved Ordinance 1265 which zoned the rest of the property "C-8" Planned Commercial District. In 2000, the City of Chesterfield approved Ordinance 1617 which amended Ordinance 1265 for building setbacks.
3. During review of an Amended Site Development Concept Plan, a proposed setback change to a parking structure setback and additional project identification signage were found to not conform to ordinance regulations. On August 11, 2008 the Planning Commission approved the Amended Site Development Concept Plan with a vote of 9-0 without the two requested items.

4. A letter was sent to the petitioner on September 3, 2008 stating that the two items requested were not allowed under Ordinance 1617 and the City of Chesterfield Zoning Ordinance.
5. Section 4(b)(3) of City of Chesterfield Ordinance 1617, which governs setbacks for the northern portion of the site states that all parking structures are to be located as follows:
  - .(3) Fifty (50) feet from the western property limits of this "C-8" District development.
6. Section 1003.168C.2(2)(f) of the City of Chesterfield Zoning Ordinance states, "Commercial, industrial or mixed-use subdivisions of ten (10) lots/units or more shall be permitted a subdivision identification sign at each main entrance to the subdivision and may include the name, logo and/or the directory of tenants of the subdivisions."

#### **PETITIONER'S REQUEST**

The Petitioner has written an explanation of their request and provided copies of exhibits to their application. Please see the attached Exhibit B and Exhibit C.

#### **APPROVAL CRITERIA**

Downtown Chesterfield (Chesterfield Village inc.) is seeking a variance from City of Chesterfield Ordinance #1617 to permit a parking structure in a "C8" Planned Commercial development to maintain a fifteen (15) foot setback in lieu of the required fifty (50) foot setback and a second variance to Section 1003.168c.2.2.f of the City of Chesterfield Zoning Ordinance to permit two subdivision identification signs at one main entrance to the subdivision.

1. In order to grant a variance, there must be proof that the applicant did not bring the burden upon himself through some action, but instead had the burden imposed on him.
2. An individual cannot create a situation and then claim he needs a variance. *Wolfner v. Board of Adjustment of City of Warson Woods*, 114 S.W.3d 298 (Mo.App.E.D.,2003).
3. The burden of proving the elements is on the applicant.
4. Missouri Revised Statute Chapter 89.090 requires that a Board of Adjustment may only grant variances when the applicant has established the necessary "practical difficulties or unnecessary hardship" and when "the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done."
5. Section 2-216 of the City of Chesterfield Municipal Code states that the Board of Adjustment shall have the following powers:

"To permit a variation in the yard requirements of any zoning district or the building or setback lines from major highways as provided by law where there are practical difficulties or unnecessary hardships in the carrying out of these

9/25/2008

provisions due to an irregular shape of the lot, topographical or other conditions, provided that such variance will not seriously affect any adjoining property or the general welfare of the public;"

Action is requested on B.A. 09-2008 Downtown Chesterfield (Chesterfield Village Inc.)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mara M. Perry". The signature is written in a cursive, flowing style.

Mara M. Perry, AICP  
Senior Planner

Exhibits:

1. City of Chesterfield Zoning Ordinance (not in packet)
2. Notice of Publication
3. Affidavit of Publication (not in packet)
4. Staff Report
5. Petitioner's Application
  - i. Application to Board of Adjustment
    - a. Exhibit A – Legal Description for Property
    - b. Exhibit B – Request for Variance #1 including powerpoint
    - c. Exhibit C – Request for Variance #2 including powerpoint
6. Letter from staff dated September 3, 2008
7. City of Chesterfield Ordinance #1617
8. Section 1003.168C of the City of Chesterfield Zoning Ordinance



# City of Chesterfield

## DEPARTMENT OF PLANNING



### APPLICATION TO THE BOARD OF ADJUSTMENT FOR A VARIANCE

The Board of Adjustment is a local body consisting of volunteers appointed by the Mayor. Its responsibility is to hear appeals from decisions of the City of Chesterfield Department of Planning and to consider requests for variances and exceptions. A variance is an approved departure from the provisions of the zoning requirements for a specific parcel, without changing the zoning ordinance underlying zoning of the parcel. A variance usually is granted only upon demonstration of hardship based on the peculiarity of the property in relation to other properties in the same zone district. For questions about this application, please contact the "Planner of the Day" at 636-537-4733. For information about this and other projects under review by the Department of Planning, please visit "Planning Projects" at [www.Chesterfield.mo.us](http://www.Chesterfield.mo.us).

Check (✓) the type of variance for which you are applying:

- Area (bulk) variance: A request to allow deviation from the dimensional (i.e. height, bulk yard) requirements of a zoning district.
- Appeal of an Administrative determination

Note: A \$70 fee applies

Please note areas in gray will be completed by the Department of Planning.

STATE OF MISSOURI ) BOA NUMBER \_\_\_\_\_  
 ) HEARING DATE \_\_\_\_\_  
 CITY OF CHESTERFIELD )  
 Petition for Appeal from Zoning Regulations

### I. APPLICANT INFORMATION

Owner(s) of record of the hereinafter described property according to St. Louis County Assessor's Record: Chesterfield Village, Inc.

Address: 400 Chesterfield Center, Ste. 600

City: Chesterfield State: MO Zip: 63017

Tel.: 636-537-1000 Fax: 636-537-0718

Petitioner, if other than owner(s): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Tel.: \_\_\_\_\_ Fax: \_\_\_\_\_

Legal Interest: \_\_\_\_\_

(Provide date of contract and date of expiration of contract)

\*Attach additional sheets as necessary for other Parties of Interest (Architect, Engineer, etc.)

690 Chesterfield Parkway West, Chesterfield, MO 63017-0760  
Ph. (636)537-4746 Fax (636)537-4798 [www.chesterfield.mo.us](http://www.chesterfield.mo.us)

**II. PROPERTY INFORMATION**

**Project Address:** Burkhardt Place and Chesterfield Parkway South

**Locator Number(s):** \_\_\_\_\_

(List additional locator numbers on separate sheet and attach to petition)

**Acreage:** 6.3 (To the nearest tenth of an acre)

**Subdivision Name (If applicable):** \_\_\_\_\_

**Current Zoning District:** C-8

**Legal Description of Property:** See Exhibit "A" attached.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach additional sheets as necessary)

**III. NATURE OF REQUEST FOR VARIANCE**

**Unique physical characteristics of the lot (e.g., size, slope, etc.):** N/A

\_\_\_\_\_  
\_\_\_\_\_

(Attach additional sheets as necessary)

**Description of the necessity of the proposed improvement:** N/A

\_\_\_\_\_  
\_\_\_\_\_

(Attach additional sheets as necessary)

**Ordinance Number and section to which a variance is sought:** Ordinance #1617,

Section 4; Zoning Ordinance 1003.1686 - Sign Regulations

(Attach additional sheets as necessary)

**Basis for appeal of the above action:** Staff letter dated September 3, 2008.

\_\_\_\_\_  
\_\_\_\_\_

(Attach additional sheets as necessary)

Do deed restrictions or subdivision trust indentures for the property prohibit the use or construction which is requested by this petition? Check (✓) one [ ] Yes [ x] No

Specify the action to which the appeal is sought: Petitioner seeks a variance from staff's rejection of a request for relief from the existing 50-foot setbacks from Veterans Place Drive and from signage requirements.

(Attach additional sheets as necessary)

Description of the effect or impact on neighboring properties: Petitioner does not anticipate any adverse impact on neighboring properties.

(Attach additional sheets as necessary)

Statement of any other hardship or information for this appeal: Petitioner is requesting a "non-use" variance which requires a showing of practical difficulty.

(Attach additional sheets as necessary)

*Please complete the sections below as applicable:*

**A. Setbacks/Height:**

The Petitioner(s) request the following setback(s):

Front yard: See Exhibit "B" attached.  
Side yard: \_\_\_\_\_  
Rear yard: \_\_\_\_\_  
Height: \_\_\_\_\_

The City of Chesterfield Zoning Ordinance Regulations require the following setback(s) for this site:

Front yard: See Exhibit "C" attached.  
Side yard: \_\_\_\_\_  
Rear yard: \_\_\_\_\_  
Height: \_\_\_\_\_

**The following information correctly presents the true conditions and also describes the practical difficulties and unnecessary hardships warranting action by the Board.**

See Exhibits "B" and "C" attached.

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**Include two (2) completed copies of this application with original signatures and two (2) copies of the following:**

1. A site development plan showing:
  - The dimensions and location (including distance from property lines) of all existing and proposed buildings and structures.
  - Letters from abutting property owners stating their position.
2. A \$70.00 fee. (Checks/money orders to be made payable to the City of Chesterfield.)
3. A copy of the City of Chesterfield rejection or denial.

**B. Signage:**

**Number and size of allowable attached business signs by ordinance:**  N/A

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**Number and size of allowable freestanding business signs by ordinance:**  2

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**The petitioner further represents that the increased sign size or height would not be injurious to the neighborhood, or otherwise be detrimental to the public welfare for the following reasons:**  N/A

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**Include two (2) completed copies of this application with original signatures and two (2) copies of the following:**

1. A site plan showing:
  - The subject property with adjoining streets, existing buildings, major parking lot, and distance to property lines.
  - The location of proposed signs.
  - If attached wall signs, the cross section of wall on which sign is to be placed with dimensions and total square feet (or portion of total wall that will contain petitioner's business)
  
2. A detail sign plan indicating:
  - Dimension of signs with detail sign lettering layout.
  - Total square feet of signs. If attached, what percent of wall.
  - Light detail, if any.
  
3. Letters from abutting property owners stating their position.
  
4. A \$70.00 fee. (Checks/money orders to be made payable to the City of Chesterfield.)
  
5. A copy of the City of Chesterfield rejection or denial.

**III. COMPLIANCE**

Is property in compliance with all previous conditions of approval of all applicable Ordinance requirements?

Yes    No. If no, please explain: \_\_\_\_\_

\_\_\_\_\_

Is property in compliance with all Zoning, Subdivision, and Code requirements?

Yes    No. If no, please explain: \_\_\_\_\_

\_\_\_\_\_

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**IX. LIENS AND FINES CERTIFICATION**

**Project Name:** Downtown Chesterfield **Ward:** 4

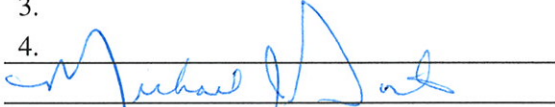
**STATE OF MISSOURI, CITY OF CHESTERFIELD**

[I] [~~we~~], Michael J. Doster (a duly licensed attorney or title insurance company)  
(print, type or stamp name of attorney or title company)

in the State of Missouri), do hereby certify to the Council of the City of Chesterfield that [I] [we] have examined the title to the herein described property; that [I] [we] find the title to the property is vested to Chesterfield Village, Inc.; that there are no fines and/or liens of record on the property  
(name of owner(s))

by or owed to the City of Chesterfield [or] that the following fines and/or liens are owed to the City of Chesterfield:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

  
\_\_\_\_\_  
(Attorney-at-law licensed in Missouri)  
Missouri Bar # 23018

September 15, 2008  
\_\_\_\_\_  
Date

-or-

\_\_\_\_\_  
(Officer of title insurance company)  
  
\_\_\_\_\_  
Print, type or stamp name and title

\_\_\_\_\_  
Date

**[THIS SPACE INTENTIONALLY LEFT BLANK]**

**XI. STATEMENT OF CONSENT**

Consent is required from the property owner(s) and contract purchaser, if applicable, to their agent if the property owner(s) or contract purchaser do not intend to attend all meetings and public hearings and submit in person all material pertaining to the application. A separate form is required from each owner/contract purchaser. Consent to a firm shall be deemed consent for the entire firm, unless otherwise specified. Consent is valid for one year from date of notary, unless otherwise specified. Attach copy of last recorded warranty deed for subject property.

**STATEMENT OF CONSENT**

I hereby give CONSENT to Michael J. Doster and William B. Remis (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge of the property I have an ownership interest in is the subject of this application. I further certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the City of Chesterfield, Missouri, and will not be returned. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the City of Chesterfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

**OWNER/CONTRACT PURCHASER INFORMATION:**

I am the [  ] owner [  ] contract purchaser. (check (✓) one)

Kathleen Higgins

(Name- type, stamp or print clearly)

Chesterfield Village, Inc.

(Name of Firm)

Note: Attach additional sheets as necessary.

Kathleen Higgins  
(Signature)

400 Chesterfield Center, Ste. 600  
Chesterfield, MO 63017

(Address, City, State, Zip)

**NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD**

The foregoing instrument was subscribed and sworn to before me this 15<sup>th</sup> day of Sept, 20 08

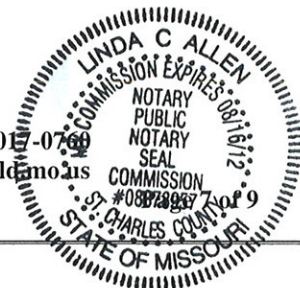
Signed Linda C. Allen  
Notary Public

Print Name: Linda C. Allen

Seal/Stamp:

My Commission Expires: 8/16/12

690 Chesterfield Parkway West, Chesterfield, MO 63017-0760  
Ph. (636)537-4746 Fax (636)537-4798 www.chesterfieldmo.org





**STAFF / BOA USE ONLY**

**Intake Date:** \_\_\_\_\_

**This petition is granted / denied (circle one) on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_**

**Signed:** \_\_\_\_\_

**Chairman**

**[THIS SPACE INTENTIONALLY LEFT BLANK]**

## EXHIBIT A

A tract of land being all of Adjusted Lot "A" and Adjusted Lot "B" of a Boundary Adjustment Plat of a tract of land being Lot C114 and C121 of "Chesterfield Village Area A, Phase One, Plat Two" and a part of Lot 4 of the Boundary Adjustment Plat of Chesterfield Village Area "A" being part of U.S. Surveys 415 and 2002 in Township 45 North – Range 4 East, City of Chesterfield, St. Louis County, Missouri and being more particularly described as follows:

Beginning at the Southwest corner of Lot C114, said corner being the Southeast corner of property described in deed to the City of Chesterfield as recorded in Book 11138 page 427, and being in the North line of Lydia Hills Drive, 60 feet wide; thence along the line common to Lot C114, and City of Chesterfield property, North 00 degrees 40 minutes 13 seconds East 1144.25 feet to the Southwest corner of the aforementioned Adjusted Lot B; thence continuing North 00 degrees 40 minutes 13 seconds East 311.75 feet to a point; thence North 42 degrees 45 minutes 55 seconds East 22.50 feet to the Northernmost corner of Adjusted Lot B, said corner being in the West line of the Young Men's Christian Association of St. Louis, as shown on the plat of "West County YMCA" as recorded in Plat Book 283 page 37 of the St. Louis County Records; thence along said West line South 51 degrees 51 minutes 13 seconds East 162.50 feet to a point in the North line of the property as described in deed to the Young Men's Christian Association of St. Louis, as recorded in Book 17104 page 1524; thence North 58 degrees 33 minutes 40 seconds East 236.50 feet to a point in the West line of Burkhardt Place, 43 feet wide; thence along the West line of Burkhardt Place South 31 degrees 26 minutes 20 seconds East 79.00 feet to the Northeast corner of the property described in deed to the St. Louis County Library District, as recorded in Book 12905 page 1816; thence South 58 degrees 33 minutes 40 seconds West 149.80 feet to a point; thence along a curve to the left, whose radius point bears South 31 degrees 26 minutes 20 seconds East 70.87 feet from the last mentioned point, a distance of 42.75 feet to a point; thence South 31 degrees 26 minutes 20 seconds East 475.85 feet to a point; thence South 79 degrees 56 minutes 27 seconds East 224.54 feet to a point in the aforementioned Burkhardt Place; thence along Burkhardt Place South 10 degrees 03 minutes 33 seconds West 27.36 feet to a point; thence along a curve to the right, whose radius point bears North 79 degrees 56 minutes 27 seconds West 2963.50 feet from the last mentioned point, a distance of 78.03 feet to a point; thence South 11 degrees 34 minutes 04 seconds West 734.90 feet to a point; thence along a curve to the left, whose radius point bears South 78 degrees 25 minutes 56 seconds East 836.50 feet from the last mentioned point, a distance of 23.81 feet to a point; thence South 56 degrees 12 minutes 41 seconds West 56.20 feet to a point in the North line of Lydia Hill Drive, 60 feet wide; thence along Lydia Hill Drive, North 89 degrees 24 minutes 16 seconds West 498.90 feet to the point of beginning and containing 17.215 acres, according to calculations by Volz Inc. during June 2008.

## EXHIBIT B

Petitioner requests modification to the Parking Structure Setback in Section 4(b) of Ordinance 1617 from “50 feet from the western property limits of the “C-8” District to “15 feet from the western property limits of this “C-8” District.” The obligations of the parties to the Park Road Agreement between the City of Chesterfield and Sachs Properties, Inc. are contingent upon receipt of the modification to the Parking Structure Setback for the western property line. Such reduction will also make the setback consistent with the setback for the property immediately south of Petitioner’s property. Finally, a modification to the setback will permit construction of a parking structure sufficient in size to accommodate parking for the Downtown Chesterfield Project (parking structures are encouraged in a downtown development to minimize the need for surface lot parking). See Presentation Materials attached.



# DOWNTOWN CHESTERFIELD







SACHHS PROPERTIES®

**VOLTZ**  
Incorporated



**DOSTERGUIN**  
ATTORNEYS AT LAW

# Ordinance #1617

## 4. SITE DEVELOPMENT CRITERIA

### Parking Structure Setback

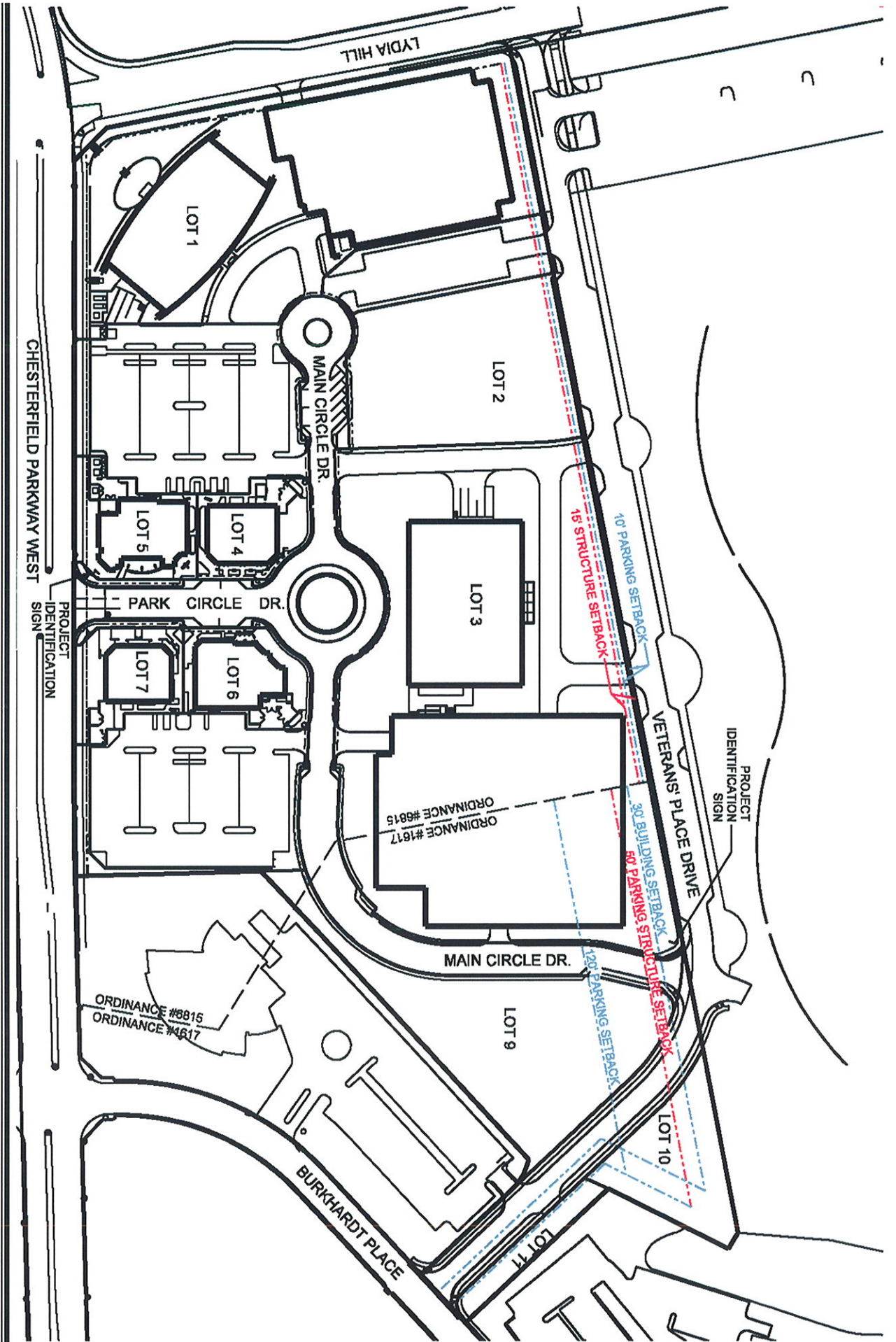
b. All parking structures shall be located within the following setbacks:

3) Fifty (50) feet from the western property limits of this “C-8” District development.

#### VARIANCE REQUEST:

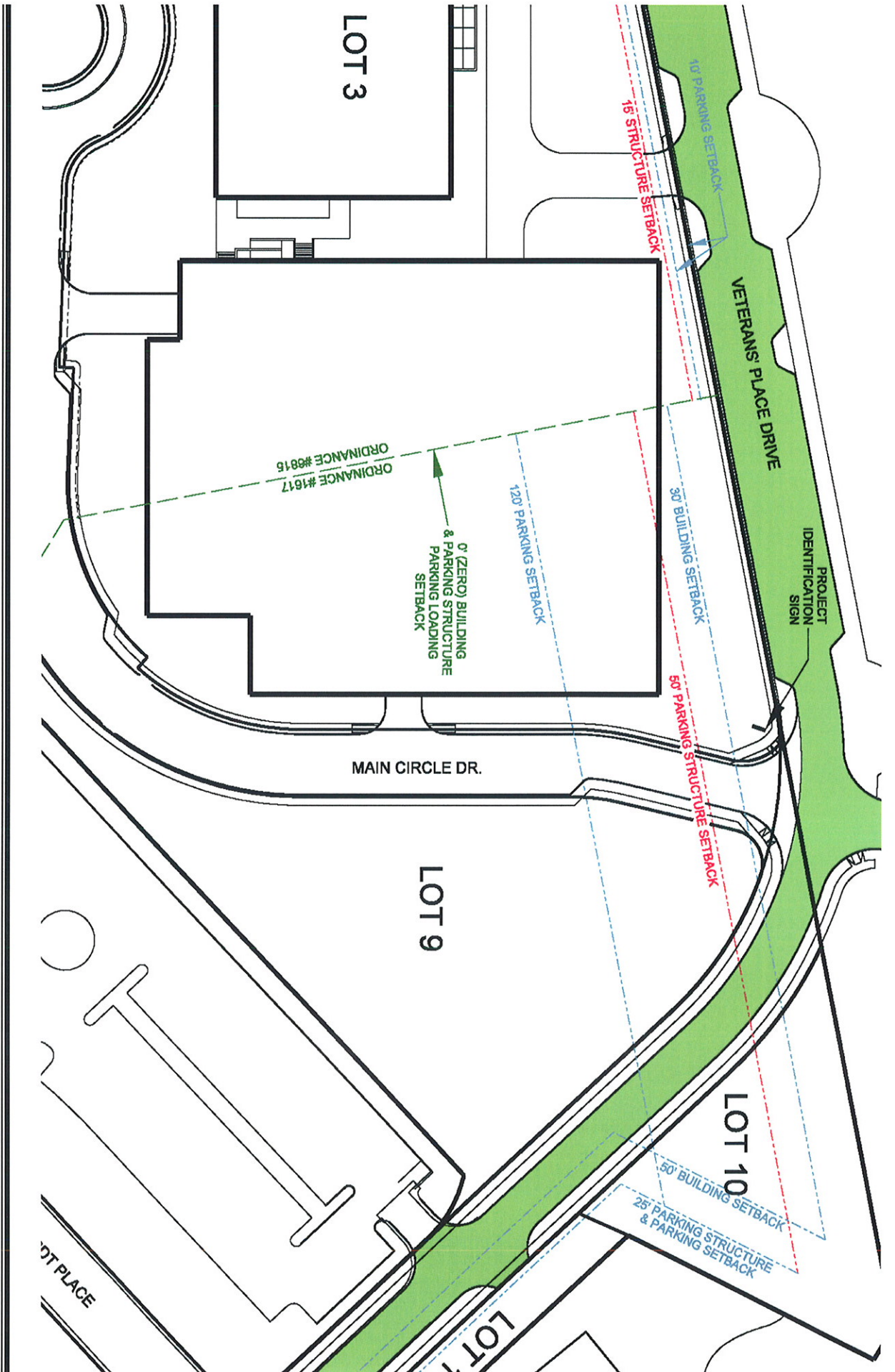
3) *Fifteen (15) feet from the western property limits of this “C-8” District development.*

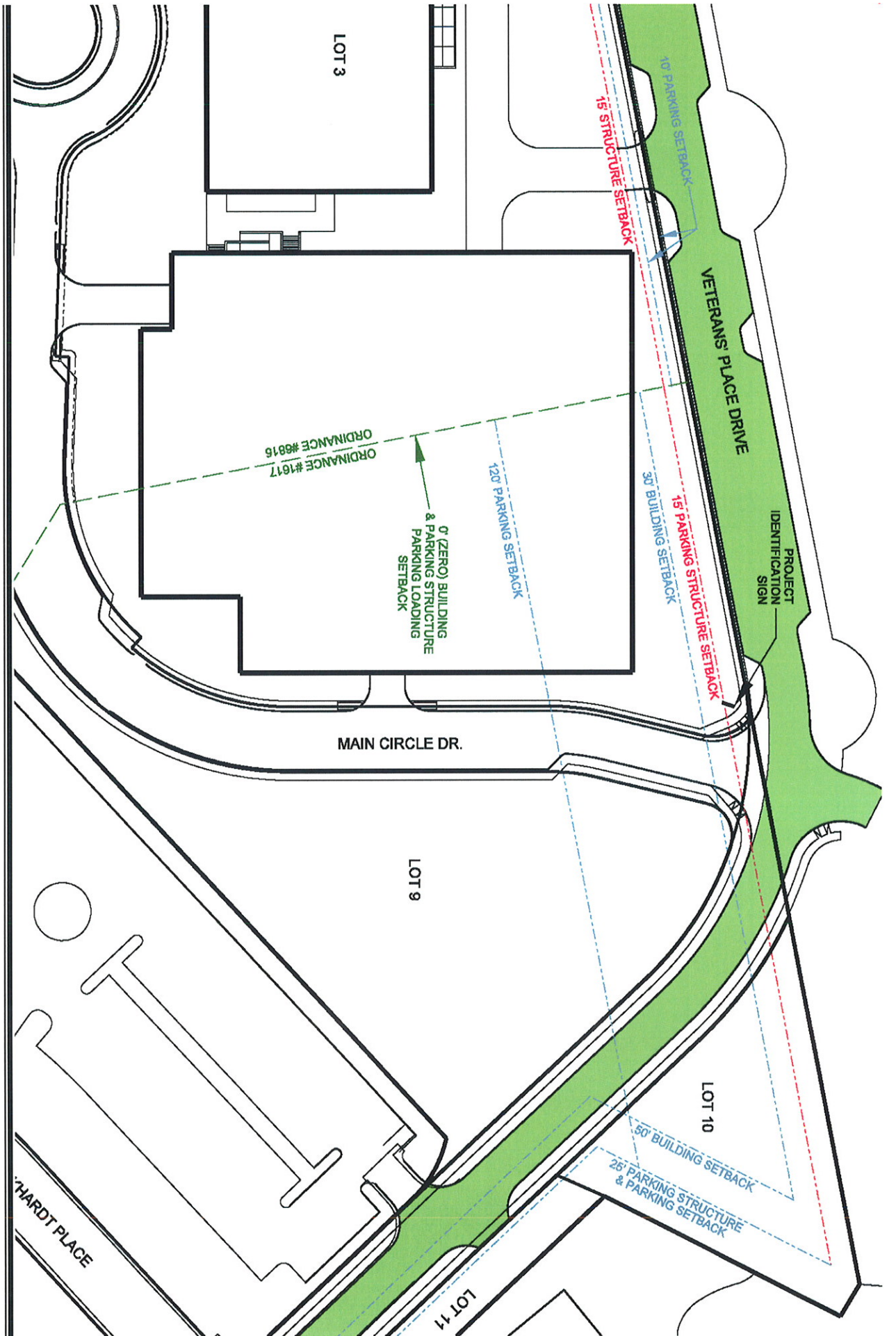




DOWNTOWN CHESTERFIELD







DOWNTOWN CHESTERFIELD



## EXHIBIT C

Petitioner is currently entitled to 2 signs – one located at Chesterfield Parkway and Park Circle Drive and the other located at Veterans Place Drive. Petitioner seeks to relocate the sign from its current location along Veterans Place Drive to the opposite side of the entrance to the Development on Chesterfield Parkway. The primary function of the sign – to identify the Project and its occupants, can best be accomplished by putting two signs at the front entrance to the Project along Chesterfield Parkway. Moving the sign to the requested location will be more effective as it will provide better identification for Downtown and Downtown Chesterfield tenants. Identification will be available on each side of the major entrance for the Project creating better visibility and identification. See Presentation Materials attached.

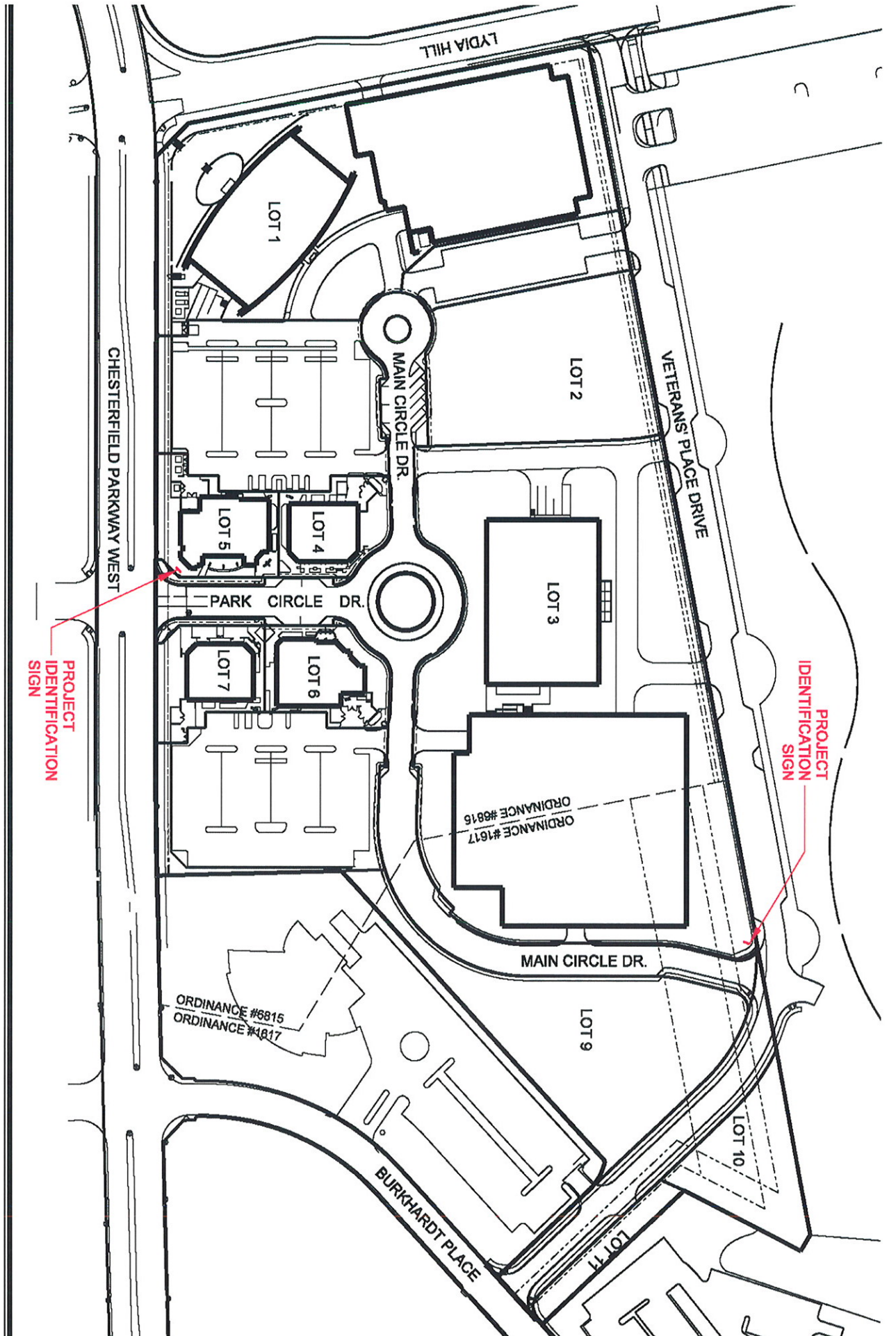


®



# DOWNTOWN CHESTERFIELD

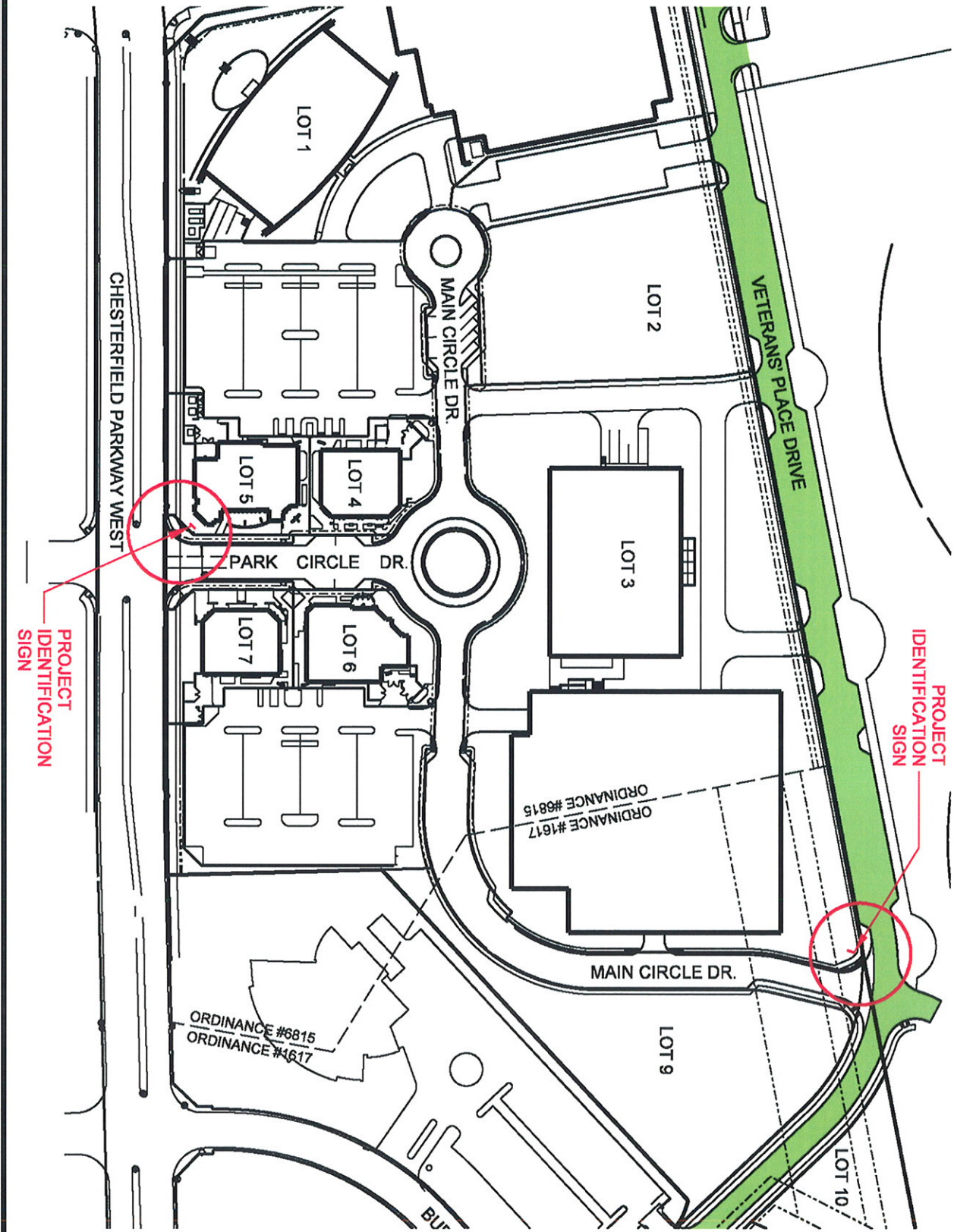




DOWNTOWN CHESTERFIELD





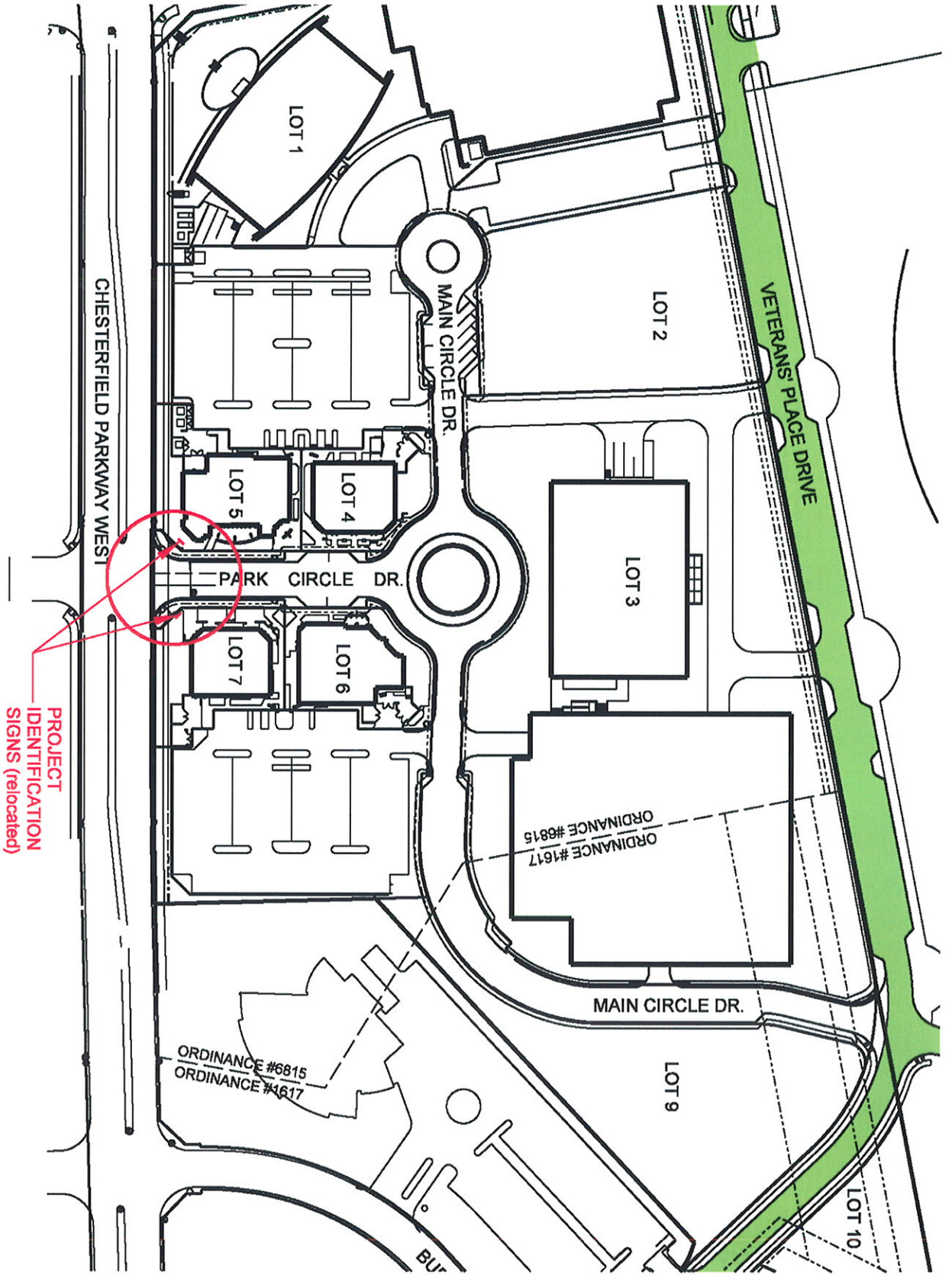


PROJECT  
IDENTIFICATION  
SIGN

PROJECT  
IDENTIFICATION  
SIGN

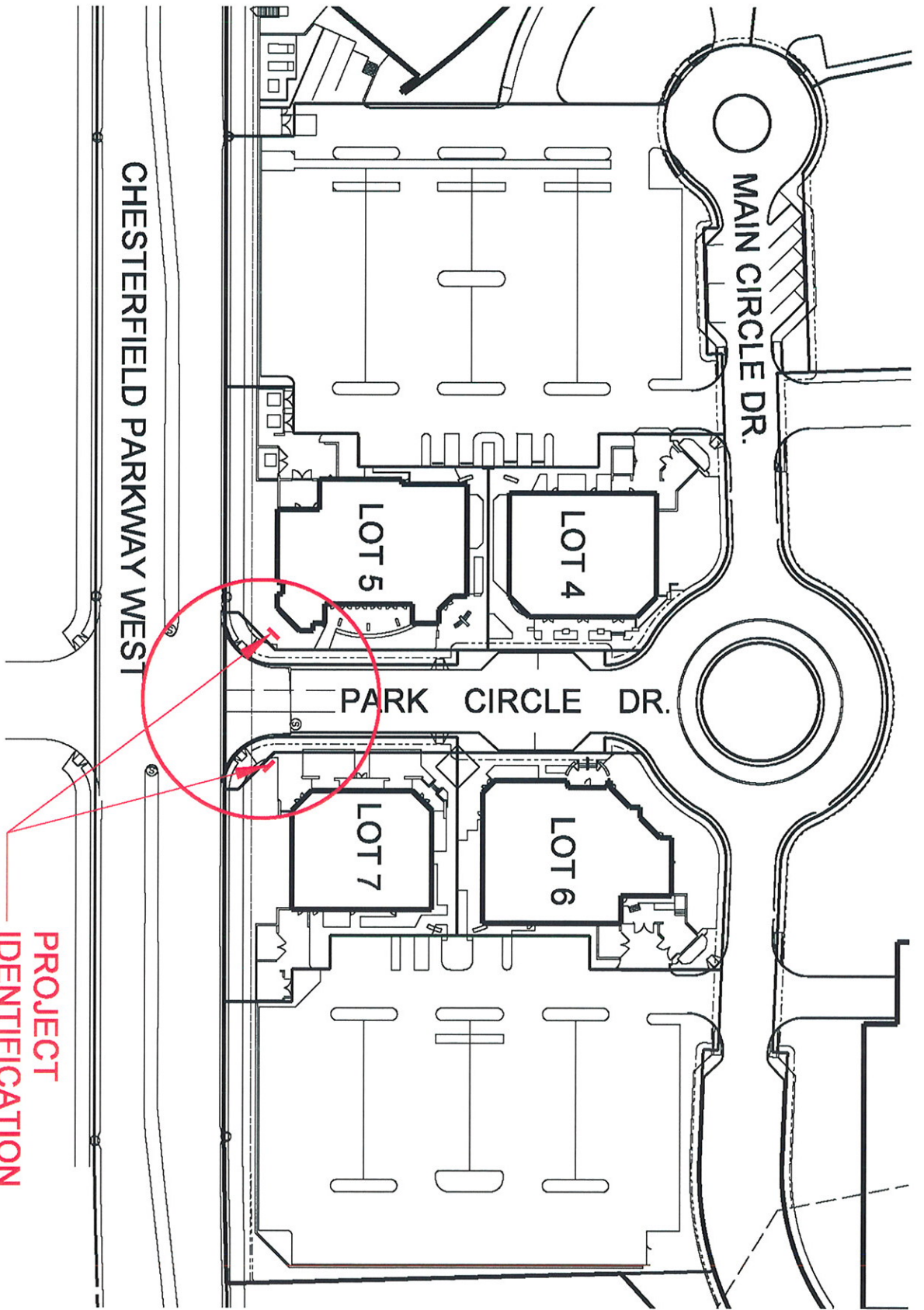
DOWNTOWN CHESTERFIELD





DOWNTOWN CHESTERFIELD





**PROJECT  
IDENTIFICATION  
SIGNS (relocated)**



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690 Chesterfield Pkwy W • Chesterfield MO 63017-0760  
Phone: 636-537-4000 • Fax 636-537-4798 • [www.chesterfield.mo.us](http://www.chesterfield.mo.us)

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September 3, 2008

Mr. Michael Doster  
Doster Guin James Ullom Benson & Mundorf, LLC  
17107 Chesterfield Airport Road, Ste. 300  
St. Louis, MO 63005

**RE: Downtown Chesterfield Phase One**

Dear Mr. Doster,

The City of Chesterfield has completed the review of the above mentioned project in regards to the proposed Parking Structure setback and Identification Signage.

Under Ordinance 1617, the required parking structure setback is fifty (50) feet from the western property limits of the "C-8" Planned Commercial District. The proposed location of the second parking structure does not adhere to this requirement.

The City of Chesterfield Zoning Ordinance 1003.168 C Sign Regulations, Permanent Signs allows Commercial, Industrial or Mixed-Use subdivisions of ten (10) lots/units or more to be permitted a subdivision identification sign at each main entrance to the subdivision. Downtown Chesterfield Phase One is requesting two such signs in lieu of one at the Chesterfield Parkway entrance.

Please submit revised plans which conform to the above mentioned requirements or you may apply for a variance with the Board of Adjustment. If you should have any questions about this matter feel free to call me at (636) 537-4744.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mara M. Perry', written in a cursive style.

Mara M. Perry, AICP  
Senior Planner

Cc: Aimee Nassif, Planning & Development Services Director  
Susan Mueller, Principal Engineer  
Mark Schlotzhauer, Civil Engineer  
Project File

BILL NO. 1793

ORDINANCE NO. 1617

AN ORDINANCE AMENDING CITY OF CHESTERFIELD ORDINANCE NUMBER 1265 FOR A NEW AMENDED ORDINANCE RELATING TO A "C-8" PLANNED COMMERCIAL DISTRICT FOR A 6.3 ACRE TRACT OF LAND LOCATED ON THE SOUTHWEST CORNER OF BURKHARDT PLACE AND CHESTERFIELD PARKWAY SOUTH (P.Z. 2-97 CHESTERFIELD VILLAGE PARCEL C-121).

WHEREAS, Chesterfield Village Parcel C-121 was originally authorized via St. Louis County Ordinance Number 6816 (P.Z. 172-71), and subsequently amended by St. Louis County Ordinance Numbers 10,240, 12,717, and 12,755, and City of Chesterfield Ordinance Numbers 977 and 2021; and,

WHEREAS, in response to P.Z. 2-97, the City Council of the City of Chesterfield, approved Ordinance Number 1265 on May 19, changing the zoning designation from "R-6A" Residential to "C-8" Planned Commercial District; and,

WHEREAS, the developer, Sachs Properties, Inc., requested amendments with regards to building setbacks; and,

WHEREAS, it was determined by the Department of Planning that the requested amendment was consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, therefore a new public hearing was not necessary; and,

WHEREAS, the Department of Planning recommended approval of the amendments; and,

WHEREAS, the amendment was considered by the Planning Commission of the City of Chesterfield and after consideration of the amendment and recommendation of the Department of Planning staff, the Planning Commission recommended approval of the amendments to the "C-8" Planned Commercial District.

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

Section 1. City of Chesterfield Ordinance Number 1265, establishing a "C-8" Planned Commercial District for a 6.3 acre tract of land located on the southwest corner of Burkhardt Place and Chesterfield Parkway South, is hereby amended by revising Attachment A as follows:

Section 4.a.5.

~~One hundred fifty (150) feet from the existing right-of-way of Chesterfield Parkway South.~~

Replace with-

*Eighty (80 feet from the existing right-of-way of Chesterfield Parkway South.*

Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations, and the specific conditions as set out in the original approval as granted by the City of Chesterfield in its attachments which were set out on the original attachment and as modified by the changes embodied in Attachment A, which is attached hereto and made a part hereof.

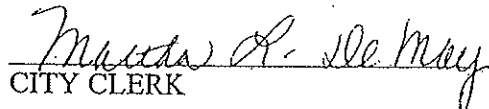
Section 3. The City Council, pursuant to the request by Sachs Properties, INC., requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petitions be granted, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

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

Passed and approved this 17<sup>TH</sup> day of APRIL, 2000.

  
MAYOR

ATTEST:

  
CITY CLERK

## ATTACHMENT A

### 1. PERMITTED USES

The uses authorized by this "C-8" Planned Commercial District shall be General Office/Retail and all Permitted Uses in the "C-1" Neighborhood Business District, "C-2" Shopping District, "C-3" Shopping District, "C-4" Highway Service Commercial District, and "C-6" Office and Research Service District, with the following exceptions:

The following uses shall be prohibited in this "C-8" District development: Fast-food restaurants with drive through facilities; filling stations, including emergency towing and repair services; sales, rental, and leasing of new and used vehicles; vehicle service centers; vehicle repair facilities; vehicle washing facilities; and advertising signs.

Retail and personal service uses shall be limited to the main entry level of an office building and comprise not more than twenty-five percent (25%) of the gross floor area of the building.

### 2. BUILDING AND HEIGHT REQUIREMENTS

- a. The uses permitted in this "C-8" Planned Commercial District shall be contained in a total of two (2), three-story building.
- b. The northernmost general office/retail building shall not exceed 70,000 square feet in gross floor area.
- c. The southernmost general office/retail building shall not exceed 41,000 square feet in gross floor area.
- d. Building elevations shall be as approved by the Planning Commission in conjunction with the Site Development Plan. Particular attention shall be given to landscaping and the architectural treatment of elevations adjoining the park property.

### 3. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

Within eighteen (18) months of the date of approval of the preliminary development plan by the City Council and prior to issuance of any building permit, the petitioner shall submit to the Planning Commission for its review and approval a Site Development Concept Plan. Within eighteen (18) months of the Site Development Concept Plan approval date, the developer shall submit the first Site Development Section Plan to the Planning Commission for review and approval. Where due cause is shown by the petitioner, this time interval may be extended through appeal to and approval by the

Planning Commission in accord with Section 1003.145 of the City of Chesterfield Zoning Ordinance.

Said Site Development Concept Plan shall include, but not be limited to, the following:

General Criteria: Concept Plan

- 1) Outboundary and legal description of the property.
- 2) Location of all roadways adjacent to the property and general location, size and pavement widths of all interior roadways.
- 3) General design of the development, including approximate location and size of buildings, parking structures, and parking areas showing landscaping and screening.
- 4) Existing and proposed contour information.
- 5) Parking Calculations.
- 6) Preliminary stormwater and sanitary sewer facilities.
- 7) Parking and building setbacks.
- 8) Areas of all right-of-way dedication, required roadway improvements, and curb cut locations, where applicable.
- 9) General location map.
- 10) Provide comments from the appropriate Fire District, the St. Louis County Department of Highway and Traffic, Missouri Department of Transportation (MoDOT), and comments/approval from the Metropolitan St. Louis Sewer District (MSD).

Site Development Section Plans shall include, but not be limited to, the following:

General Criteria: Section Plans

- 1) The location, height, and size of all proposed structures, including general uses of each building.
- 2) Existing and proposed contours at two (2) foot intervals.
- 3) Location, setback, and size of all parking areas.
- 4) Parking Calculations.
- 5) Roadways and driveways on and adjacent to the property in question including roadway right-of-way dedication and pavement widening.
- 6) The design, location and size of all proposed light standards, fencing, and trash enclosures, canopies, and freestanding signs.
- 7) A landscape plan including all landscape buffers indicating, but not limited to, the locations, size, and general type of all plants and materials to be used.
- 8) Areas of each building phase.
- 9) General location map indicating subject site.
- 10) Location of existing and proposed easements.
- 11) Provide comments from the appropriate Fire District, the St. Louis County Department of Highways and Traffic, Missouri Department of Transportation (MoDOT) and comments/approval from the Metropolitan St. Louis Sewer District (MSD).



- 12) All preliminary Plat requirements from Section 1005.060 of the City of Chesterfield Zoning Ordinance.

Said Site Development Plan shall include, but not be limited to, the following:

General Criteria: Site Development Plan

- a. Outboundary plat and legal description of the property.
- b. A general development plan, indicating the basic location, size and
- c. A graphic scale and location map.
- d. The location and size of all right-of-way dedications and the pavement widths of all roadway improvements and internal drives.
- e. The location and size of all freestanding signs, lighting, fences, sidewalks, handicap ramps and other above-ground structures including retaining walls in common areas.
- f. Existing and proposed contours at vertical intervals of not more than two (2) feet extending 150 feet beyond the limits of the site.
- g. A preliminary plan for stormwater and sanitary sewer facilities. Sanitary sewer information should be indicated on the Site Development Plan and show where the proposed sanitary sewer will connect to the existing sewer system.
- h. Building and parking setbacks.
- i. Zoning district lines.
- j. A landscape plan including, but not limited to, the location, minimum size and general type of all plant material to be used.
- k. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Ordinance.
- l. Clearly show the location of significant natural features, such as wooded areas and rock formations, that are to remain or be removed.
- m. Provide comments from the appropriate Fire District, the St. Louis County Department of Highways and Traffic, Missouri Highway and Transportation Department, Union Electric and comments/approval from the Metropolitan St. Louis Sewer District.

Site Development Plan Submittal Option

In lieu of submitting a Site Development Concept Plan and Site Development Section Plan, the petitioner may instead submit a Site Development Plan for the entire development within eighteen (18) months of the date of approval of the "C-8" District Ordinance by the City Council. Said Plan shall be submitted in accord with the combined requirements for Site Development Section and Concept Plans. The submission of Amended Site Development Plans by section of this project shall be permitted if this option is utilized.

4. **SITE DEVELOPMENT PLAN DESIGN CRITERIA**

The above Site Development Plan shall adhere to the following specific design criteria:

### Building Setbacks

- a. No buildings or structures, other than the freestanding project identification signs, boundary or retaining walls, parking structures, light standards, fences, and flagpoles shall be located within the following setbacks:
- 1) Fifty (50) feet from the existing right-of-way of Burkhardt Place.
  - 2) Zero (0) feet from southern/southeastern property limits of this "C-8" District development.
  - 3) Thirty (30) feet from the western property limits of this "C-8" District development.
  - 4) Fifty (50) feet from the northern property limits of this "C-8" District development.
  - 5) Eighty (80) feet from the existing right-of-way of Chesterfield Parkway South.

### Parking Structure Setbacks

- b. All parking structures shall be located within the following setbacks:
- 1) One hundred fifty (150) feet from the existing right-of-way of Burkhardt Place.
  - 2) Zero feet from the southern/southeastern property limits of this "C-8" District development.
  - 3) Fifty (50) feet from the western property limits of this "C-8" District development.
  - 4) Twenty five (25) feet from the northern property limits of this "C-8" District development.
  - 5) One hundred fifty (150) feet from the existing right-of-way of Chesterfield Parkway South.

### Parking, Loading, and Internal Drives

- c. Minimum Parking Requirements

Parking for this development shall be as required in Section 1003.165 of the City of Chesterfield Zoning Ordinance.

- d. Parking Setbacks

No surface parking shall, loading space, or internal drive or roadway, excluding points of ingress and egress and structured parking shall be located within the following setbacks:

- 1) Twenty five (25) feet from the existing right-of-way of Burkhardt Place.

- 2) Zero (0) feet from the southern/southeastern property limits of this "C-8" District development.
- 3) One hundred twenty (120) feet from the western property limits of this "C-8" District development.
- 4) Twenty five (25) feet from the northern property limits of this "C-8" District development.
- 5) One hundred fifty (150) feet of the existing right-of-way of Chesterfield Parkway South.

#### Access, Sidewalks, and Road Improvements

- e. No access shall be permitted to Chesterfield Parkway South.
- f. Access to the site shall be provided by two (2) curb cuts on Burkhardt Place. The centerline of the entrance nearest to Chesterfield Parkway South shall be located at a minimum of two hundred fifty (250) feet from the centerlines of Chesterfield Parkway South as measured along the centerline of Burkhardt Place as required by the City of Chesterfield Department of Public Works. The centerline of the two (2) entrances for the site shall be separated by a minimum of two hundred (200) feet as measured along the centerline of Burkhardt Place as required by the City of Chesterfield Department of Public Works.
- g. Provide cross access easement and temporary stop construction license or other appropriate legal instrument or agreement guaranteeing permanent access between this site and adjacent properties as directed by the City of Chesterfield and the St. Louis County Department of Highways and Traffic.
- h. Provide a four (4) foot wide sidewalk adjacent to Burkhardt Place and a five (5) foot wide sidewalk adjacent to Chesterfield Parkway, conforming to St. Louis County ADA standards, as directed by the St. Louis County Department of Highways and Traffic and the City of Chesterfield Department of Public Works. The sidewalks shall be constructed within public right-of-way or easement which provides sufficient width as directed by the Department of Public Works.

#### Landscaping

- i. Either as part of the site development plans or on a separate drawing to be reviewed as part of said plan, the developer shall submit a landscape plan to comply with following guidelines:
  - 1) All new landscaping materials shall meet the following criteria:
    - a) Deciduous trees shall be a minimum of two and one-half (2 ½ ) inches in caliper.
    - b) Evergreen trees shall be a minimum of six (6) feet in height.
    - c) Shrubs shall have a minimum diameter of twenty-four (24) inches.

- d) Flowering trees shall be a minimum of two and one-half (2 ½) inches in caliper.
- e) Ground cover shall be construed to include any materials consisting of low plants that blanket the ground and shall include grass, ivy, juniper and all other vegetation adapted for such use.
- j. Building and paved area setbacks shall contain adequate landscaping as approved by the Planning Commission on the Site Development Plan.
- k. Any proposed detention facilities shall be appropriately landscaped with both evergreen and deciduous trees as approved by the Planning Commission on the Site Development Plan.
- l. Landscaping within and around parking lot areas and drive aisles shall be in accordance with the landscaping guidelines approved by the Planning Commission.
- m. All access points and drives shall be landscaped (except within the sight distance triangle) as approved by the Planning Commission on the Site Development Plan.
- n. If the cost of new landscaping, as approved by the Planning Commission on the Site Development Plan, is in excess of \$1,000, as determined by a plant nursery, the petitioner shall furnish a two (2) year bond or escrow sufficient in amount to guarantee the installation of said landscaping. Prior to release of the landscape installation bond, or escrow, a two (2) year landscape maintenance bond, sufficient in amount to guarantee the replacement of landscaping shall be furnished. Said bond shall be based on costs determined by a plant nursery and approved by the Department of Planning.

#### Signs

- o. This "C-8" District development shall be limited to two (2) monument signs, fifty (50) square feet in total area each, which shall not exceed a height of eight (8) feet. Said sign shall be setback fifteen (15) feet from the Burkhardt Place right-of-way. One (1) sign shall be located on the Burkhardt Place right-of-way frontage and the second sign to be located on the Chesterfield Parkway South right-of-way frontage.
- p. Signs shall be permitted in accord with the regulations of Section 1003.168 of the City of Chesterfield Zoning Ordinance.
- q. No advertising signs, temporary or portable (including balloons, banners, festoon of lights, strings of pennants, clusters of flags, twirlers or propellers, flares, spot lights, and other similar devices of a carnival nature) shall be permitted in this development.

#### Lighting Requirements

- r. The location of all light standards shall be as approved by the Planning Commission on the Site Development Plan. No on-site illumination source shall be so situated that light is cast directly on adjoining properties or public roadways. Light standards located on the parking structure shall not exceed a height of twenty (20) feet. Light standards at other locations shall not exceed twenty four (24) feet in height.

Miscellaneous Conditions

- s. All exterior trash areas shall be enclosed with a six (6) foot high site-proof fence or brick/stone enclosure complimented by adequate landscaping as approved by the Planning Commission on the Site Development Plan.
- t. All mechanical equipment shall be adequately screened by roofing or other screening as approved by the Planning Commission on the Site Development Plan.
- u. Interior pedestrian walkways, pavement markings, and directional signs shall be as approved by the Planning Commission on the Site Development Plan.

5. TRUST FUND CONTRIBUTIONS

- a. As this development is located within an established traffic generation assessment trust fund area, the developer shall contribute to the Chesterfield Village Trust Fund (No.554). This fund was created for roadway improvements to the Chesterfield Village Area. This contribution shall not exceed an amount established by multiplying the ordinance required parking spaces by the following rate schedule:

Type of Development	Required Contribution
General Office Space	\$400.95/Parking Space
General Retail	\$1,102.92/Parking Space
Medical Office	
Loading Space	\$1,968.42/Loading Space

(Parking space is required by Section 1003.165 of the St. Louis County Zoning Ordinance.)

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

- b. Credits for roadway improvements required by this Department will be awarded as directed by the St. Louis County Department of Highways and Traffic. Any portion of the roadway improvement contribution which remains, following completion of road improvements required by the development shall be retained in the trust fund.

- c. The roadway improvement contributions shall be deposited with St. Louis County Department of Highways and Traffic. The deposit shall be made prior to the issuance of a Special Use Permit (S.U.P) by St. Louis County Department of Highways and Traffic. Funds shall be payable to Treasurer, St. Louis County.
- d. The amount of the contribution for the trust fund if not submitted by January 1, 1998 shall be adjusted on the date and on the first day of January in each succeeding year thereafter in accord with the construction cost index as determined by the St. Louis County Department of Highways and Traffic.
- e. Any property in the Chesterfield Village area which was rezoned and approved from development by Ordinance Number 6,815 and 6,817 and can be developed without any further rezoning procedure will not be subject to any trust fund contribution. However, all required roadway improvements must be completed by the developer.
- f. Any previously zoned property in the Chesterfield Village area subject to a rezoning procedure which increases the density of that parcel will be subject to a trust fund contribution into the Chesterfield Village Parkway Trust Fund Number 554. The amount of contribution will be based on the increased use.

#### 6. VERIFICATIONS PRIOR TO APPROVAL

Prior to approval of the Site Development Plan, the developer shall provide the following:

##### Stormwater Drainage

- a. Submit to the City of Chesterfield an engineering plan approved by the St. Louis County Department of Highways and Traffic and M.S.D. showing that adequate handling of stormwater drainage of this site is provided.
  - 1) The developer is required to provide adequate stormwater systems in accordance with City of Chesterfield and MSD standards.
  - 2) Stormwater shall be discharged at an adequate natural discharge point.
  - 3) No slope shall exceed 3:1
  - 4) Detention/retention, which meets or exceeds the stormwater runoff standards that are in effect at the time that substantially complete improvement plans are submitted to the Department of Public Works, is required. The location and types of detention/retention facilities shall be identified on the Site Development Plan. The detention/retention facilities shall be operation prior to paving the proposed drives and parking areas. The detention/retention facilities shall be completed prior to occupancy of any building.
  - 5) The adequacy of any existing downstream strom sewer system shall be verified and upgraded if necessary as directed by the City of Chesterfield Department of Public Works. Stormwater conduits and drainage channels

shall be verified to have adequate capacity to carry the runoff from the total tributary watershed with no reduction in flow because of existing or proposed detention.

- 6) Emergency overflow drainage ways to accommodate the 100 year storm shall be provided from all storm sewers.
- 7) Erosion and siltation control shall be installed prior to any grading and be maintained throughout the project until acceptance of work by the owner and/or controlling regulatory agency and adequate vegetative growth insures no future erosion of the soil. Construct temporary settlement basins during construction to allow for settling of sediment, prior to the discharge of stormwater from this site.

#### Roadway Improvements and Curb Cuts

- b. Provide certification of approval by the St. Louis County Department of Highways and Traffic and MoDOT of the location of proposed curb cuts, areas of new dedication, and roadway improvements.

#### Geotechnical Report

- c. Prior to Site Development Approval, provide a geotechnical report, as directed by the City of Chesterfield Department of Public Works, prepared by a Professional Engineer, licensed to practice in the State of Missouri. Said report shall verify the suitability of grading and proposed improvements with soil and geologic conditions. A statement of compliance, signed and sealed by the Geotechnical Engineer preparing the report, shall be included on the Site Development Plans and the Improvement Plans. This report shall address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment.

#### Sanitary Sewers

- d. Provide verification of approval by M.S.D. for adequate handling of sanitary sewage.
- e. Sanitary sewer connection to existing sewers on-site shall be required, as approved by M.S.D. for adequate handling of sanitary sewage.
- f. The District has reviewed the preliminary plans for sanitary sewer service and has found the proposed system and the receiving sanitary system to be adequate for the proposed sanitary loading. Contribution to the Caulks Creek Improvements Fund of two thousand-seven hundred and fifty dollars (\$2,750.00) per acre is required.

#### Miscellaneous

- g. Prior to Site Development Plan approval, the developer must provide written verification of approval from the Chesterfield Fire Protection District that there is adequate access for emergency apparatus to both of the proposed general office/retail buildings.
- h. Prior to Special Use Permit issuance by St. Louis County Department of Highways and Traffic, a specific cash escrow or a special escrow supported by an Irrevocable Letter of Credit must be established with this Department to guarantee completion of the required roadway improvements.

7. **RECORDING**

Within sixty (60) days of approval of the Site Development Plan by the Planning Commission, the approved plan shall be recorded with the St. Louis County Recorder of Deeds.

8. **VERIFICATION PRIOR TO BUILDING PERMITS**

Subsequent to approval of the Site Development Plan and prior to the issuance of any building permit the developer shall provide the following:

Development Phasing

- a. The developer shall furnish a bond or place into escrow the monies necessary to insure the construction of improvements and landscaping as necessary. If development phasing is anticipated, the developer shall provide the necessary funds for each plat or phase of development.
- b. If development phasing is anticipated, the developer shall complete road improvement, right-of-way dedication and access requirements commensurate with each phase of development as required by the St. Louis County Department of Highways and Traffic and the City of Chesterfield.

Notification of Department of Planning Commission

- c. Prior to the issuance of foundation or building permits, all approvals from the MoDOT, St. Louis County Department of Highways and Traffic, Metropolitan St. Louis Sewer District, and the City of Chesterfield Department of Public Works, must be received by the City of Chesterfield Department of Planning.

Certification of Plans

- d. Provide verification that construction plans are designed to conform to the requirements and conditions of the Geotechnical Report. The Geotechnical Engineer shall be required to sign and seal all plans with a certification that the proposed construction will be completed in accordance with the grading and soils requirements and conditions contained in the report.



Stormwater Sewers

- e. Submit to City of Chesterfield an engineering plan approved by M.S.D. showing that adequate handling of the stormwater drainage of the is provided.

Landscape Bonds and Escrows

- f. If the estimated cost of new landscaping indicated on the Site Development Plan as required by the Planning Commission exceeds an estimated cost of one thousand (\$1,000) dollars, as determined by a plan nursery, the petitioner shall furnish a two (2) year bond or escrow sufficient in amount to guarantee the installation of said landscaping. Prior to release of the landscape installation bond or escrow, a two (2) year landscape maintenance bond, sufficient in amount to guarantee the replacement of landscaping, shall be furnished. Said bond shall be based on cost determined by a plant nursery and approved by the Department of Planning.

Trust Fund

- g. Traffic generation assessment contributions shall be deposited with St. Louis County prior to the issuance of building permits. If development phasing is anticipated, the developer shall provide the traffic generating assessment contribution prior to issuance of building permits for each phase of development. The traffic generation assessment shall be deposited with St. Louis County in the form of a cash escrow.

9. General Development Conditions

- a. General development conditions related to the operation, construction, improvement and regulatory requirements to be adhered to by the developer are as follows:
- b. A grading permit is required prior to any grading on the site. No change in watersheds shall be permitted. Interim stormwater drainage control in the form of siltation control measures is required. Construct temporary settlement basins during construction to allow for settling of sediment, prior to stormwater discharge from this site.
- c. If cut and fill operations occur during a season not favorable for immediate establishment of a permanent ground cover, a fast germinating annual such as rye grasses or sudan grasses shall be utilized to retard erosions, if adequate stormwater detention and erosion control devices have not been established.
- d. Additional lanes and/or widening, pavement thickness, drainage facilities, granular base, traffic control devices and other improvements may be required to

accommodated heavy traffic volumes, unsuitable soil conditions, steep grades, or other conditions not apparent at this time.

- e. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the conditions whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.
- f. This development will require a NPDES permit for the Missouri Department of Natural Resources. NPDES permits are applicable to construction activities that disturb five (5) or more acres. A copy of the permit application must be submitted to the Department of Public Works prior to issuance of a grading permit or approval of the improvement plans.
- g. The developer is advised that utility companies will require compensation for relocation of their utility facilities with public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's roadway improvement conditions. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.
- h. Installation of Landscaping and Ornamental Entrance Monument of Identification Signage construction if proposed, shall be reviewed by the St. Louis County Department of Highways and Traffic for sight distance considerations and approved prior to installation or construction.
- i. Failure to comply with any or all of the conditions of this ordinance shall be adequate cause for revocation of permits by issuing City Departments or Commissions.
- j. The Zoning Enforcement Inspector of the City of Chesterfield, Missouri, shall enforce the conditions of this ordinance in accordance with Site Development Plans as approved by the Planning Commission and the Department of Planning.

2. *Height Computations*

The following regulations shall govern the computation of sign height:

- (1) Except as may be specifically noted in these regulations, setbacks for all signs shall be governed by the minimum setback yard requirements in each particular zoning district.
- (2) Freestanding business signs shall not exceed the maximum allowed height above the ground elevation. The ground elevation of freestanding signs shall be measured at the elevation of the adjacent street or the average existing finished ground elevation at the base of the sign, whichever is higher.
- (3) The height of all signs on corner lots shall not exceed three (3) feet above the elevation of the adjacent street pavement when located within the sight distance triangle.

**1003.168C. Sign Regulations--Permanent Signs.**

The following provisions shall govern the erection of all permanent signs, together with their appurtenant and auxiliary devices with respect to size, number, height, location and construction.

1. *General provisions.*

- (1) Permitted business, information, and directional signs may either be a flat sign permanently affixed to the face of a building, awning or canopy or be freestanding. Business information and directional signs affixed to buildings shall not project above the eave line of the roof except as an integral roof sign.
- (2) Permitted information or directional signs may be flat signs permanently affixed to a boundary wall or fence. However, other than a horizontal projection of not more than six (6) inches, such signs shall not project beyond the surface of the boundary wall or fence.
- (3) All freestanding signs shall be located as not to impair the visibility of any official highway sign or marker and no business sign shall be so placed as to unnecessarily obstruct the visibility of any other business sign.

2. *Business and Identification Signs - Freestanding*

- (1) General
  - (a) Subject to other provisions of this section, each developed lot may have no more than one (1) freestanding business sign facing each roadway on which the lot has frontage regardless of the number of buildings upon the lot.

Furthermore, each building regardless of the number of lots upon which it may be located, shall have no more than one (1) freestanding business sign facing each roadway on which its lot or lots has frontage. For the purpose of this regulations, an aggregation of two (2) or more structures connected by a wall, firewall, facade or other structural element, except for a sidewall shall constitute a single building.

(b) The height of all business and identification signs shall not exceed six (6) feet when located within the minimum front yard setback of a particular zoning district.

(2) Specific regulations and exceptions

(a) A freestanding business sign shall not exceed six (6) feet in height above the average existing finished grade at the base of the sign, or the elevation of the adjacent street, whichever is higher, with the total outline area per face not to exceed fifty (50) square feet or twenty-five one hundredths (0.25) square feet of signage per linear foot of street frontage up to one hundred (100) feet of street frontage and one tenth (0.1) square foot of signage per linear foot of street frontage thereafter, whichever is less. (See exceptions below.) Said sign face shall be attached to a proportionate enclosed base, integrated planter or structural frame, the width of which shall be a minimum of one-half (1/2) the width of the widest part of the sign face. The bottom of the sign face shall not exceed a height of three (3) feet above the average existing finished grade at the base of the sign, or elevation of the adjacent street, whichever is higher. An enclosed sign base or integrated planter shall not be required if the sign face is within one (1) foot of the average finish grade at the base of the sign.

(b) For each additional four (4) foot setback from the minimum yard requirement, one (1) additional foot may be added to the sign height to a maximum of ten (10) feet above the average existing finished grade at the base of the sign or elevation of the adjacent street, whichever is higher. However, at no time shall the bottom of the sign face exceed a height of three (3) feet above the average existing finished grade at the base of the sign or the elevation of the adjacent street, whichever is higher, or;

(c) The maximum outline area and/or height of any freestanding business sign may be increased to a maximum of one-hundred (100) square feet in outline area and/or twenty (20) feet in height above the average existing finished grade elevation at the base of the sign or elevation of the adjacent street, whichever is higher, with no height restriction for the bottom of the sign face subject to Planning Commission approval as outlined in Section 1003.168.3(2) Sign Regulations-General.

- (d) An individual lot having a minimum of eight hundred fifty (850) feet of frontage on any roadway and a minimum size lot of twenty (20) acres or more, shall be allowed two (2) freestanding business signs on each roadway frontage exceeding seven hundred fifty (750) feet of frontage. However, a minimum of four hundred (400) feet shall separate the two (2) permitted signs.

In lieu of the two (2) permitted freestanding signs, one (1) freestanding business sign may be permitted, the maximum outline area of which may be increased to one hundred fifty (150) square feet, subject to Planning Commission approval as outlined in Section 1003.168.3(2) Sign Regulations-General.

- (e) A single commercial or industrial development or subdivision which is in excess of twenty (20) acres in size shall be permitted a project identification sign at each main entrance to the subdivision or development identifying the name of the project and/or containing a directory of tenants. The sign may include the name and/or logo of the development or subdivision. Such sign may be located on any platted lot or common ground of a development or subdivision or any unplatted portion of the development or subdivision identified as part of a particular development on an approved preliminary plat, site development concept plan, site development section plan, or site development plan. A project identification sign shall not exceed six (6) feet in height average existing finished grade at the base of the sign or elevation of the adjacent street, whichever is higher, with the total outline area per face not to exceed fifty (50) square feet or twenty-five one hundredths (0.25) square feet of signage per linear foot of street frontage up to one hundred (100) feet of street frontage and one tenth (0.1) square foot of signage per linear foot of street frontage thereafter, whichever is less.

For each additional four (4) foot setback from the minimum yard requirement, one (1) additional foot may be added to the sign height of a project identification sign to a maximum of ten (10) feet above the average existing finished grade at the base of the sign or elevation of the adjacent street, whichever is higher. However, at no time shall the bottom of the sign face exceed a height of three (3) feet above the average existing finished grade at the base of the sign or the elevation of the adjacent street, whichever is higher; or,

The maximum outline area and/or height of any project identification sign may be increased to a maximum of one-hundred (100) feet in outline area and/or twenty (20) feet in height above the average existing finished grade elevation at the base of the sign or elevation of the adjacent street, whichever is higher, with no height restriction for the bottom of the sign face subject to

Planning Commission approval as outlined in Section 1003.168.3(2) Sign Regulations - General.

(f) Commercial, industrial or mixed-use subdivisions of ten (10) lots/units or more shall be permitted a subdivision identification sign at each main entrance to the subdivision and may include the name, logo and/or the directory of tenants of the subdivisions. Such sign shall not exceed fifty (50) square feet in outline area per face, nor extend more than six (6) feet above the average existing finished grade at the base of the sign or elevation of the adjacent street, whichever is higher. Commercial, industrial or mixed-use subdivision identification signs shall be located within an easement on any platted lot or on common ground of a subdivision. Such sign may also be located on any unplatted portion of the subdivision identified as part of a particular development on an approved preliminary subdivision plat, site development concept plan, site development section plan, or site development plan. No subdivision identification sign shall be permitted for a development permitted a project identification sign.

(g) Landscaping. All permanent freestanding business and identification signs shall have landscaping, which may include, but not be limited to, shrubs, annuals, and other materials, adjacent to the sign base or structural supports. If the outline area and/or a height increase for any permanent freestanding sign is requested, the required landscaping for such a sign will be subject to Planning Commission approval.

(2) A service station shall be permitted one (1) separate price sign attached to the same structure of any one (1) permitted freestanding business sign on the lot or lots on which the use may be located. The outline area of a separate price sign shall not exceed twenty (20) square feet per face.

(3) A movie theater shall be permitted one (1) additional freestanding business sign, with manual changeable copy only, facing each roadway on which the lot containing the movie theater has frontage.

### 3. *Business Signs - Attached to wall*

(1) General provisions

(a) Subject to the specific regulations set out below, each business occupying a tenant space or being the sole occupant of a freestanding building shall have no more than one (1) attached business sign on any two (2) walls of a building that are exterior walls of the particular business. In addition to identifying a particular business, such signs may be used for the name and logo of the building or development project.

- (b) The outline area of each sign shall not exceed five (5) percent of the wall area of the business on which said sign is attached. No business sign shall exceed three hundred (300) square feet in outline area.
- (c) Countable wall area shall include the entire surface of a wall, such as gable and similar areas, and the vertical face of a mansard roof, whether real or artificial, which extends above the wall of the business on which the sign is attached. However, the countable area of mansard roofs shall be limited to the area not greater than six (6) feet above the eave line of the roof times the length of associated wall.

(2) Specific regulations and exceptions

- (a) For a business being the sole occupant of a building located on a corner lot or a lot with double frontage, said business may have one (1) attached business sign on any three (3) walls of a building that are exterior walls.
- (b) Where a lot or parcel of land is developed with more than one (1) building, interior buildings shall be permitted the same type and number of wall signs on the interior buildings as are allowed on peripheral buildings. The mounting requirements of the permitted signs shall be the same as any attached business sign.
- (c) In buildings containing single or multiple tenants where public access to individual tenant space(s) is gained via interior entrances, said building shall be allowed nor more than one (1) attached business sign on any two (2) walls having roadway frontage. Said attached business signs shall be the same, each identifying either the building or major tenant.
- (d) Individual letters (exclusive of words), a symbol or graphic logo pertaining to a business on premises may be painted or otherwise permanently affixed to the surface of an awning or canopy. The outline area of the message shall not exceed fifteen (15) percent of the horizontal projection in elevation of the exterior surface of the awning or canopy. Said message outline area, when utilized as a design accent only as described above, shall not be counted toward the allowable outline area for a business sign.

4. *Directional signs.*

- (1) Directional signs shall not exceed ten (10) square feet in outline area per facing. Freestanding directional signs shall not extend more than six (6) feet above the elevation of the adjacent street or elevation of the average existing finished grade at the base of the sign, whichever is higher.

- (2) The height of all directional signs shall not exceed three (3) feet when located within the minimum front yard setback of each particular zoning district.
- (3) No directional sign shall be located on or over a public right-of-way without approval of the City of Chesterfield, and/or St. Louis County Department of Highways and Traffic, and/or the Missouri Department of Transportation as applicable.

5. *Advertising Signs (Billboards).*

- (1) *Where Permitted.* Advertising signs are permitted within six hundred sixty (660) feet of the nearest edge of the right-of-way of any interstate highway or primary state highway in the "C-8" Planned Commercial District, "M-3" Planned Industrial District, and "MXD" Mixed Use Development District as permitted in the conditions of the Ordinance governing the particular planned or mixed use district. An interstate highway or primary state highway shall be as defined in Section 226.510 RSMO as amended.
- (2) *Size and General Location.* Advertising signs shall not exceed eight hundred (800) square feet in outline area. The sign face may be increased to not more than five (5) percent of the approved outline area on any face to allow for displays that have projections that are part of a specific advertising display. The maximum size limitations shall apply to each side of an advertising sign structure. An advertising sign may be placed back to back, double faced, or V-shaped (interior angle formed by faces of sixty (60) degrees or less) with not more than one (1) display. No advertising sign shall be attached to the roof or wall of any building.
- (3) *Height.* Advertising signs shall not extend thirty-five (35) feet above the elevation of the adjacent street, or elevation at the base of the sign, whichever is higher.
- (4) *Separation from Property Lines and Buildings.* From all points on an advertising sign, a minimum separation distance of one hundred (100) feet shall be maintained from all property lines and from all roofed structures, subject to more restrictive regulations of the zoning district in which it is located.
- (5) *Separation from Other Zoning Districts.* No advertising sign shall be located within one thousand (1000) feet of any "NU" Non Urban District, "R" Residence Districts, or "PS" Park and Scenic District zoned tract, or any tract subject to the Landmark and Preservation Area Special Procedure.



- (6) *Separation from Other Advertising Signs.* No advertising sign shall be erected within one thousand (1000) feet of any existing sign on the same side of the highway. No sign shall be located in such a manner as to obstruct or otherwise physically interfere with the effectiveness of any official traffic sign, signal, or device, or obstruct or physically interfere with motor vehicle operators' view of approaching, merging, or intersecting traffic. The separation requirements between advertising signs outlined in this subsection shall be measured perpendicular to the centerline off the subject highway. The separation distance shall apply only to advertising sign structures located on the same side of the subject highway.
- (7) *Separation from Highway Interchanges and Overpasses.* On interstate highways and freeways on the federal aid primary system as defined in Section 226.510 RSMO as amended, no advertising sign shall be located adjacent to, or within one thousand (1000) feet of any interchange or overpass, existing or approved for construction by the Missouri Highway and Transportation Department, intersection at grade, or safety rest area. For a highway interchange, said one thousand (1000) feet shall be measured from the beginning or ending of the pavement widening at the exit from, or entrance to, the main traveled way. For a highway overpass, said one thousand (1000) feet shall be measured from the centerline of the overpass.
- (8) *Lighting.* No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any advertising sign. No flashing, intermittent, or moving light or lights shall be allowed. External lighting, such as floodlights, thin line and gooseneck reflectors may be permitted in the conditions of the Ordinance governing a particular planned or mixed use district, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the public right-of-way. Lights shall not be of such intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures, an official traffic sign, device, or signal, nor shall any sign illumination cast light on adjacent properties in the "NU" Non-Urban, "PS" Park and Scenic, or any "R" Residence District.
- (9) *Landscaping.* All advertising signs shall have landscaping adjacent to the support structure of such a sign. Said landscaping may include, but shall not be limited to, shrubs and annuals, or other planting materials deemed appropriate.
- (10) *Non-Conforming Advertising Signs.* A non-conforming sign shall not be enlarged or relocated except:

- (a) As may be required by law or where relocated by governmental authority.
  - (b) To the extent hereinafter permitted.
  - (c) An existing advertising sign which is legally non-conforming or would be legally non-conforming, but, for failure to have terminated such non-conformity within five (5) years as provided in Section 1003.260 of the St. Louis County Zoning Order of 1946, or Section 1003.170 of the St. Louis County Zoning Ordinance of 1965, may be repaired, reconstructed or structurally altered, but may not be enlarged or relocated.
  - (d) Restoration, alteration or reconstruction of the sign face shall not be considered as an increase in nonconformity of a non-conforming sign.
  - (e) Nothing in this ordinance shall be deemed to prohibit the restoration of any sign and its use where such sign has been destroyed by any means out of the control of the owner to an extent less than sixty percent (60%) of its replacement value at the time of destruction, provided the restoration of such sign and its use in no way increases any former nonconformity, and provided further that restoration of such structure is begun within six (6) months of such destruction and diligently prosecuted to completion within six (6) years following such destruction. Whenever such sign has been destroyed by any means out of the control of the owner to an extent of more than sixty percent (60%) of its replacement value at the time of destruction, as determined by the Zoning Enforcement Officer, or by any means within the control of the owner to any extent whatsoever, the sign shall not be restored except in full conformity with all regulations of the district in which such structure is situated. When a sign is determined to be substandard (i.e., deteriorated, in disrepair, or is unsightly) by the Zoning Enforcement Officer of the City of Chesterfield under any applicable ordinance of the City and the cost of placing the sign in condition to satisfy the standards under such ordinance shall exceed sixty percent (60%) of the reconstruction cost of the entire sign, such nonconforming sign shall not be restored for the purpose of continuing a nonconforming use. However, none of the restrictions contained in this section shall limit the authority of the Board of Zoning Adjustment to grant relief for reconstruction of a nonconforming sign, as provided in Section 1004.070.
- (11) *Applicability.* The aforementioned provisions shall not apply to subdivision directional signs, off-site directional signs for churches, and political signs as defined herein.

- (12) *Statutory Requirements.* Notwithstanding the regulations as set out above, all Advertising Signs (Billboards) must be in conformance with Sections 226.500 through 226.600 RSMO as amended.
- (13) *Severability.* If any section, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgement or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases.

6. *Informational Signs.*

- (1) Informational signs shall not exceed sixteen (16) square feet in outline area per facing. Freestanding informational signs shall not extend more than six (6) feet above the elevation of the adjacent street or elevation of the average existing finished grade at the base of the sign, whichever is higher.
- (2) No informational sign shall be located on or over a public right-of-way without approval of the City of Chesterfield, and/or St. Louis County Department of Highways and Traffic, and/or the Missouri Department of Transportation as applicable.
- (3) The height of all information signs shall not exceed six (6) feet when located within the minimum front yard setback of each particular zoning district.

7. *Residential Subdivision Identification Signs*

Residential subdivisions of ten (10) lots/units or more shall be permitted a subdivision identification sign at each main entrance to the subdivision and may include the name or logo or both of the subdivision. Such sign shall not exceed fifty (50) square feet in outline area per face, nor extend more than six (6) feet above the average existing finished grade at the base of the sign or elevation of the adjacent street, whichever is higher. Residential subdivision identification signs shall be located within an easement on any platted lot or on common ground of a subdivision. Such signs may also be located on any unplatted portion of the subdivision identified as part of a particular development on an approved preliminary subdivision plat or site development concept plan; site development section plan, or site development plan.

8. *Supplementary Regulations*

- (1a) A church or house of worship located in any district shall be permitted one (1) freestanding information sign. Said sign may have manual changeable

copy. However, a church or house of worship in the "NU" Non-Urban or any "R" Residence District which has a minimum frontage of four hundred (400) feet on each of two (2) or more roadways, shall be permitted one (1) freestanding identification sign on each of two (2) such roadways. Said identification sign height shall be in accordance with Section 1003.168C.2(2) Permanent Signs. The copy portion of such sign shall not exceed fifty (50) square feet in area, exclusive of one (1) separate religious symbol without lettering, which may have an additional outline area not exceeding twenty (20) square feet.

- (1b) A church or house of worship shall have no more than one (1) attached identification sign with size requirements in accordance with Section 1003.168C.3(1) Sign Regulations - Permanent Signs.
- (1c) A church or house of worship within the City of Chesterfield is permitted to have two (2) off-site directional signs, not to exceed six (6) square feet. The sign message shall be limited to church name and location/direction. A permit is required for all church signs. If the sign is not maintained, the City will require its repair or removal.
- (2a) Hospitals, public park and recreation facilities, schools, libraries, auditoriums, and similar institutions for public assembly located in the "NU" Non-Urban District or any "R" Residence District and having a minimum frontage of two hundred fifty (250) feet on a roadway shall be permitted one (1) freestanding identification sign not to exceed fifty (50) square feet in outline area per face on each roadway meeting the above minimum frontage requirements. Said identification sign height shall be in accordance with Section 1003.168C.2(2) Permanent Signs.
- (2b) Each hospital, public park and recreation facility, school, library, auditorium or other similar institutional use located within the "NU" Non-Urban District or any "R" Residence District shall have no more than one (1), attached identification sign, with the size requirements in accordance with Section 1003.168C.3(1) Sign Regulations - Permanent Signs.
- (3) Window signs may be placed on any window in addition to other permitted signs. However, the outline area of said signs, whether temporary or permanent, shall occupy no more than forty (40) percent of the outline area of any window on the ground or first floor level of the building and no more than twenty (20) percent of any window on any other level of the building. A sign permit shall not be required for any window sign.

- (4) Signs placed on vending machines, express mailboxes, or service station pumps advertising products sold or services offered from the particular machine, mailbox, or pump are permitted. However, no vertical or horizontal projection greater than six (6) inches from the surface of the machine, mailbox, or pump is permitted. Any other sign placed on the machine shall be considered as an advertising, business, directional, or information sign, subject to the regulations of the zoning district in which such sign is located.
- (5) A restaurant with a drive-up or drive-through food pick up facility may have either one (1) freestanding or one (1) wall menu sign not to exceed thirty-two (32) square feet in area associated with the order station. No freestanding menu sign shall exceed eight (8) feet in height or width or be illuminated in any manner other than from an internal source.
- (6) A financial institution with an outdoor automatic teller or similar facility may have either one freestanding or one wall sign not to exceed sixteen (16) square feet in outline area associated with the facility. No freestanding sign for such a facility shall exceed eight (8) feet in height or width or be illuminated in any manner other than from an internal source.
- (7) A service station with a canopy may have no more than one sign which may include the name and logo of the business and one (1) sign which may include the words "self-service" and "full service" attached on each of any two (2) sides of the vertical face of the canopy, excluding canopy supports. The outline area of each sign shall not exceed ten (10) square feet in outline area. Each sign shall be a flat sign permanently affixed to the vertical face of the canopy and shall not project above or below the vertical face of the canopy more than one (1) foot. No projection shall be permitted from any other side of the vertical face of the canopy. Such signs shall only be illuminated by internal and non-intermittent light sources. For service stations located on corner lots, such signs may be located on each of any three (3) sides of the vertical face of the canopy, excluding canopy supports.
- (8) An individual lot or project may have a sign displaying time and temperature, and/or stock market activity not to exceed twenty-four (24) square feet in outline area per face. Such sign may be attached to the same structure of any permitted freestanding business sign, or may be a flat sign permanently affixed to the face of a building. When affixed to a building, such sign shall not project above the eave line of the roof.

#### **1003.168D. Sign Regulations--Temporary Signs and Attention Getting Devices.**

The provisions of this section shall govern the erection of all temporary signs and attention getting devices, together with their appurtenances, with respect to size, height, location, and construction.