

III.E

Memorandum Planning & Development Services Division



To: Planning and Public Works Committee
From: Aimee E. Nassif, AICP PDS Director
John Boyer, Senior Planner
Date: October 23, 2014
RE: Flood Plain District – Article 3 Unified Development Code

Summary

The Unified Development Code (UDC) was recently approved and adopted by the City Council on June 16, 2014. As you know, the Unified Development Code did not introduce, change, or amend existing development criteria and standards. It consolidated multiple chapters and past ordinance amendments into a single reference document. While drafting the UDC, we were aware of several updates and amendments that the City was desirous of and since its adoption, many of these amendments have been made.

Recently, the City of Chesterfield has been advised that FEMA (the Federal Emergency Management Agency) has completed necessary updates to the Flood Insurance Rate Maps (FIRMs). With these map updates, FEMA has mandated several Code updates pertaining to flood damage prevention which the City must adopt in order to remain compliant with FEMA regulations. While Jim Eckrich is handling this portion of the required updates, this has provided Staff with an opportunity to address changes necessary to our zoning districts; and specifically the Flood Plain Overlay District.

The Flood Plain Overlay District was a district that was carried over from the St Louis County Zoning Ordinance in 1988. One of the reasons for this was that at the time, there were properties located throughout the area that had this zoning designation on it. **However, since Chesterfield's incorporation, no additional parcels or developments have zoned to this district designation; nor are they required to do so.** With the FEMA regulations in addition to our own flood plain development regulations, this flood plain overlay district is unnecessary. **This overlay district does not provide any additional protections or regulations nor does it augment the FEMA flood damage prevention regulations already in place.**

There were several zoning district categories which Chesterfield inherited from St Louis County that over the years have been made inactive. Staff is requesting that the Flood Plain Overlay District found in Article 3 of the Unified Development Code become an inactive district as well, thereby preventing further parcels from zoning petitioning for this type of zoning map amendment. **Removal of this district from active status will not impact or affect any flood plain development or flood damage prevention regulations or requirements.**

If the Planning and Public Works Committee is in concurrence with this, then we will prepare the necessary public notices and documents for a public hearing before the Planning Commission to amend Article 2 and Article 3 of the Unified Development Code. This public hearing can be conducted in conjunction with the required updates mandated by FEMA that Jim Eckrich is handling. This includes necessary updates to Article 2, Article 3, Article 5, Article 7, Article 9, Article 10.

A copy of the draft language showing removal of the Flood Plain Overlay District from the active zoning district list is attached for your review. The draft language attached to this report includes Amendments 5-10. Amendments 1-4 are covered under Jim Eckrich's report associated with changes to Article 05. While the amendments are split up under separate agenda items, both are part of the same process.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Aimee', with a long horizontal stroke extending to the right.

Aimee E. Nassif, AICP
Planning and Development Services Director

AMENDMENT 5

Article 02: Development Review and Appeals Process

SEC. 02-05 FLOOD PLAIN "FP" OVERLAY DISTRICT USE AND DEVELOPMENT

A. Use and Development of Floodway.

All development or use of the floodway is prohibited involving any encroachment, including fill, new construction or material improvement of any existing structure unless certification by a registered professional engineer is provided to and approved by the Department that the development will not result in any increase in flood levels during occurrence of the base flood discharge. If and only if this subsection is complied with, use or development of the floodway may be carried out subject to the restrictions of the remainder of this Section.

B. Use and Development in the "FP" Overlay District.

No use or development in this district shall increase the flooding problems of other properties. Prior to any use or development of property pursuant to the permitted or conditional uses designated in this district, if such use or development involves manmade change to real property below the flood elevation, including construction or erection of any building or structure, or any filling, grading, paving, mining, dredging, excavation or drilling, the following procedure shall be complied with:

1. The property owner or user shall submit to the City of Chesterfield a development plan. The plan shall be approved if it demonstrates that its implementation will not increase the flooding problems of other properties. With respect to any stream for which a floodway has not been designated, the flooding problems of other properties will be deemed increased if implementation of the plan would decrease the water storage or conveyance capacity of the stream.
2. The plan shall include a report by a registered professional engineer of demonstrated competence in hydrology as to the adequacy of the proposed plan to avoid flooding problems of other properties and such other hydrologic problems as may result from the improvements. Where the plan only delineates the floodplain elevation on the ground and no change or construction is proposed involving land below the floodplain elevation, the plan may be submitted under the seal of a registered land surveyor.
3. The City of Chesterfield may require such additional data or engineering studies from the applicant as may be necessary to determine the adequacy of the proposed plan.

C. Use and Development under Underlying District Regulations.

Property in this district may be used and developed in accordance with the regulations of the underlying zoning upon compliance with **Article 5 of this UDC and** the following procedure:

1. The property is placed in such conditions as to effectively and without increasing the flooding problems of other properties, remove the property from flooding based on the flood elevation study approved by the United States Federal Emergency Management Agency (FEMA) and used as basic data for determining the boundaries of the Flood Hazard Boundary Map, being the "FP" Floodplain District as governed by this Section. Effective removal of the property from flooding requires provision of adequate freeboard as determined by the City of Chesterfield in light of the reasonably anticipated ultimate development of the watershed. If the standards required by this subsection are satisfactorily met in respect to any lot or tract of land in the "FP" Floodplain District, the property may then be used for such uses and under such regulations as are contained in the district regulations of the district designated after the "FP" code designation as the underlying district for the particular property.
 - a.) The property owner or user shall submit to the City of Chesterfield a plan for flood protection. The plan shall be approved if its implementation would adequately protect against the amount of water that would flow past the property in cubic feet per second during the base flood, as determined by the flood elevation study approved by FEMA and used as basic data for determining the boundaries of the Flood Insurance Rate Map and the Flood Hazard Boundary Map, and if the plan further demonstrates that its implementation will not increase the flooding problems of other properties. With respect to any stream for which a floodway has not been designated, the flooding problems of other properties will be deemed increased if implementation of the plan would decrease the water storage or conveyance capacity of the stream.
 - b.) The plan must include a report by a registered professional engineer of demonstrated competence in hydrology as to the adequacy of the proposed plan for flood protection relative to the elevation of the floodplain and the flow as determined in the flood elevation study approved by FEMA, the effect of the proposed improvement on the flood problems of other properties, and such other hydrologic problems as may result from the improvements. Where the plan only delineates the floodplain elevation on the ground and no change or construction is proposed involving land

below the floodplain elevation, the plan may be submitted under the seal of a registered land surveyor.

- c.) The City of Chesterfield may require such additional data or engineering studies from the applicant as may be necessary to determine the adequacy of the proposed plan for flood protection.

D. Effect of Plan Approval.

1. The approval by the City of Chesterfield of such plans for flood protection does not constitute a representation, guarantee, or warranty of any kind by the City of Chesterfield or by any officer or employee of either as to the practicality or safety of any protective measure and shall create no liability upon or cause of action against such public body, officers, or employees for any damage that may result pursuant thereto.
2. Approval of the plan by the City of Chesterfield does not relieve an owner or user from fulfilling the requirements set forth in **Article 5 of this UDC** and any other City ordinance regarding construction or development within the floodplain.

E. Floodplain Boundary.

In order to establish a minimum lot area outside of the floodplain, an engineer's seal and signature verifying the location of the floodplain boundary must be submitted, for review and approval by the Department. The plat must be certified by a registered professional engineer, of demonstrated competence, licensed to practice in the State of Missouri.

AMENDMENT 6

Article 10: Definitions

SEC 10-12 FLOOD PLAIN DEVELOPMENT AND FLOOD PLAIN DAMAGE PREVENTION

All definitions pertaining to flood plain development and flood plain damage prevention are located in Article 5: Flood Damage Prevention of this Unified Development Code.

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AMENDMENT 7

Article 03: Zoning District and Uses

SEC. 03-02 ESTABLISHMENT OF DISTRICTS

A. Districts.

For the purposes of this UDC, all land in the City of Chesterfield is zoned into districts. Changes of zoning, Conditional Use Permits and special procedure applications not included in Section 03-02.E. of this Article, may only be filed for one of the following districts on Table A-1. For purposes of this UDC, text amendments to existing planned district ordinances are referred to and treated as a Special Procedure.

B. Overlay Districts and Special Procedures.

An Overlay District or Special Procedure is an additional zoning requirement that is placed on a geographic area but does not change the zoning of the site. These zoning tools may add additional restrictions or provide certain incentives in specific geographic areas or for land with specific physical features or characteristics. The purpose of using an overlay district or special procedure is to address certain community interests such as historic preservation or protection of environmentally sensitive areas. Requests for an Overlay District or Special Procedure may only be sought for land zoned to one of the districts listed in Table A-1 above. Overlay Districts and Special Procedures found in the City of Chesterfield are as listed in Table B-1 below:

TABLE B-1	
Floodplain	FP
Museum and Arts Area	MAA
Residential Business Use Procedure	RBU
Wild Horse Sub Area Overlay	WH
Chesterfield Historic Register	H
Landmarks Preservation Area	LPA

C. District Boundaries.

The boundaries of these districts are hereby established as shown in the City of Chesterfield Zoning Map consisting of a series of maps at a scale of one (1) inch equals 200 feet, as adopted by Ordinance 624 (1991), together with all subsequent amendments thereto. All district classifications, however, need not appear on the zoning map at one time. Official copies of said map shall be maintained in the Department of Public Services (the Department) and shall be public records. All subsequent amendments to the zoning maps shall be designated on said official copies. The Planning Commission may, at its

discretion, cause the City of Chesterfield Zoning Map and its official copies thereof to be photographed, microphotographed, photostated or reproduced on file, which maps when so reproduced shall be deemed to be an original record for all purposes.

~~D. Floodplain and Floodway Map~~

~~For the purpose of this UDC and the City of Chesterfield Zoning Map, the areas designated special flood hazard and floodway upon the Flood Insurance Rate Maps and Flood Boundary and Floodway Maps adopted by Chapter 1008 SLCRO, Flood Damage Prevention, as the same may be amended from time to time by ordinance, shall constitute the "FP" Floodplain District and Floodway of the City of Chesterfield.~~

D. Inactive Districts and Inactive Special Procedures List.

Table C-1 provides a list of zoning district categories and special procedures which are inactive. While parcels do exist within the City of Chesterfield which are zoned to these districts or which have one of these special procedures applied to it; any changes, modifications, or amendments to any of these districts or special procedures is prohibited, except as described in Section 03-02.A. of this Article. Any site specific ordinance establishing any of these districts or procedures on any given parcel, enacted prior to the passage date of this UDC is still valid. See City of Chesterfield Zoning Ordinance dated November 17, 1997 for specific information on any inactive district or procedure.

TABLE C-1	
R-1 Residence	R1
R-1A Residence	R1A
Estate Residential District (two acre)	E1
Estate Residential District (one acre)	E2
Estate Residential District (half acre)	E3
Non-Urban	NU
C2 Shopping	C2
C3 Shopping	C3
C4 Highway Service Commercial	C4
C6 Office and Research Service	C6
C7 General Extensive Commercial	C7
C8 Planned Commercial	C8
M1 Industrial	M1
M2 Industrial	M2
M3 Planned Industrial	M3
Commercial Service Procedure	CSP
Planned Environment Unit	PEU
Commercial Industrial Density Development	CIDD
Flood Plain Overlay District	FP

*The E1, E2, and E3 Estate Residential Districts are now inactive and have been replaced with the E-2AC, E-1AC, and E-1/2AC Districts. The inactive Estate Districts, along with the Special Procedure known as the Planned Environment Unit or "PEU" that applied to those and the Flood Plain Overlay District or "FP" Overlay District, may be found in the City of Chesterfield Zoning Ordinance dated November 17, 1997.

AMENDMENT 8

Article 03: Zoning District and Uses

SEC. 03-05 OVERLAY DISTRICTS AND ZONING PROCEDURES

A. "FP" Flood Plain Overlay District:

1. Purpose. The flood hazard areas of Chesterfield, Missouri are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to other lands which are

~~inadequately elevated, floodproofed, or otherwise protected from flood damages.~~

2. ~~This Section is therefore necessary to protect human life and health; to minimize expenditure of public money for costly flood control projects; to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; to minimize prolonged business interruptions; to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains; and to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas.~~
3. ~~It is the purpose of this Section to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion or in flood heights or velocities; to require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; to control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters; and to control filling, grading, dredging, and other development which may increase erosion or flood damage.~~
4. ~~**Scope of Provisions.** This Section contains the regulations for the "FP" Floodplain Overlay District of Chesterfield. Property zoned "FP" is also zoned under another applicable district governed by this UDC. The "FP" Overlay District constitutes an "overlay" district, and the other applicable zoning district constitutes the underlying zoning.~~
 - a.) ~~The "FP" Overlay District regulations and requirements herein controls in the case of any conflict between the regulations contained in this Section and the regulations otherwise applicable to any property by virtue of its "underlying" zoning.~~
 - b.) ~~A portion of the area within this district is designated as the floodway, as established by the maps applicable to this district. Property within the floodway is subject to these provisions of this UDC which so state.~~
5. ~~**Minimum Standards of Design.** In addition to the development standards and district requirements in Article 04 and Article 05 of this UDC, the following performance standards are applicable to the "FP" Overlay District:~~
 - a.) ~~Uses. Permitted and Conditional Uses for the "FP" Overlay District are found in Section 03-08 of this Article. In addition:~~

- ~~(1) — Public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be adequately screened with landscaping, fencing or walls; or placed underground; or enclosed in such a manner as to blend with and complement the character of the surrounding area as approved by the City of Chesterfield.~~
- ~~(2) — Accessory uses may include, but are not limited to, devices for the generation of energy or individual sewage treatment facilities serving an individual non-residential use. Sewage treatment facilities shall not exceed 5,000 gallons per day flow.~~

b.) Lot Area:

Use	Minimum Lot Area
Farming	20 acres
Golf course	5 acres
All other uses	As required in the underlying zoning district

c.) Height. ~~The total height of any structure shall not exceed that permitted in the underlying zoning district.~~

d.) Yard Requirements:

- ~~(1) — No structure shall be allowed within 25 feet of any roadway right-of-way line, except where a greater setback is required by the underlying district requirements.~~
- ~~(2) — No structure, sign or plant material exceeding three (3) feet in height above the elevation of the street pavement is allowed within the sight distance triangle.~~
- ~~(3) — Permitted information signs, six (6) feet or less in height, and directional signs are allowed within the minimum front yard setback.~~
- ~~(4) — Any structure, other than a public utility tower authorized by a conditional use permit, which exceeds 30 feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above 30 feet.~~
- ~~(5) — No residential building or structure attached thereto shall be allowed within 30 feet of the limits of the 100-year floodplain.~~

e.) Floodway. All development or use of the floodway is prohibited involving any encroachment, including fill, new construction or

material improvement of any existing structure unless certification by a registered professional engineer is provided to and approved by the Department that the development will not result in any increase in flood levels during occurrence of the base flood discharge. If and only if this Section is complied with, use or development of the floodway may be carried out subject to the restrictions of the remainder of this Section of the UDC.

6. See "Flood Damage Prevention", Chapter 14 of the City Code for additional information and regulations.
7. District regulations and development requirements found in this UDC are minimum standards. Additional regulations and requirements may be established in the site specific ordinance establishing the "FP" Overlay District.
8. The procedure for establishing a "FP" Overlay District and site development plan approval is established in Article 02 of this UDC.

AMENDMENT 9

Article 03: Zoning District and Uses

SEC. 03-08 USE TABLE FOR OVERLAYS AND SPECIAL PROCEDURES

Use Table for Overlays and Special Procedures

Uses: P-Permitted C-Conditional

* means the use is allowed with conditions. See the district regulations for the underlying district in this Article for additional regulations

USE GROUP Overlay District or Special Procedure

	FP	MAA	PUD	RBU	WH
CIVIC					
Church and other places of worship					P
Community center					C
Library					C
Open air performance and educational facility		p*			
Parks	P				P
Public safety facility					P
Railroad switching yard and tracks and associated structures	C				
Retreat center					C

Retail sales establishment, neighborhood			p*	p*	
Commercial sales facility				p*	
SERVICE/INDUSTRIAL					
Barber or beauty shop			p*		
Day care center			p*		C
Drug store and pharmacy			p*		
Extraction & processing of raw materials from the earth and processing thereof	E				
Hospice					C
Hospital					C
Kennel, boarding					C
Kennel, private					C
Laundromat			p*		
Nursing home					C
Open storage	E				
Tow yard	E				

USE GROUP	Overlay District or Special Procedure				
	FP	MAA	PUD	RBU	WH
EDUCATIONAL					
College/university					P
Educational facility		P			P
Kindergarten or nursery school					P
Specialized private school					C
UTILITIES					
Public utility facilities	p*				P
Public facilities over 60 ft. in height					C
Radio, television, and communication transmitting, receiving, or relay towers and facilities					C
Sewage treatment facilities, other than facilities permitted as an accessory use	E				C