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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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## Planning Commission Public Hearing Report

**Meeting Date:** November 23, 2020

**From:** Annisa Kumerow, Planner **AK**

**Project:** **P.Z. 10-2020 City of Chesterfield (Unified Development Code - Article 3 and 10)**: An ordinance amending Article 3 and Article 10 of the Unified Development Code pertaining to uses and definitions.

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### **SUMMARY**

The Unified Development Code (UDC) was approved and adopted by the City Council in June of 2014. The purpose of this Public Hearing is to revise the regulations pertaining to uses and definitions in Article 3, Section 07 “*Use Table for Non-Residential Districts*” and Article 10, Section 3 “*Use Terms*”. The proposed amendments are in relation to direction received from the Planning and Public Works Committee in September of 2020 and from the Planning Commission in October of 2020.

The revisions to Article 10 will introduce several permitted uses pertaining to automobile dealerships, and clarify related definitions and permitted uses that contain conflicting language. The revisions to Article 3 will identify the zoning districts in which automobile dealership uses may be requested. The necessary revisions are discussed in further detail below.

The proposed changes were directed by the Planning and Public Works Committee and require a Public Hearing and recommendation from the Planning Commission. After the vote is taken by the Planning Commission, this project will be presented before the Planning and Public Works Committee for a recommendation to City Council.

### **REQUEST**

The changes herein are recommended by Staff in order to update the City’s permitted uses pertaining to automobile dealerships. The proposed amendments are necessary to distinguish categories of automobile dealership uses from one another and to clarify where the uses may be permitted.

## **ARTICLE 10 - DEFINITIONS**

### **Existing Uses**

Upon review of existing definitions and use terms pertaining to automobiles and automobile dealerships, Staff has identified three existing use terms (Article 10, Section 03) that require revisions to clarify duplicative language:

- **Automobile dealership:** “Retail business primarily housed in a structure and characterized by a mixture of related uses upon a commercial site; however, the principal use of the site shall be the marketing of new or used automobiles, whether by sale, rent, lease, or other commercial or financial means.”
- **Boat (and marine supply) storage, charter, repair, sale:** “Any establishment that provides for the storage, charter, repair, and/or sale of boats and similar vessels.”
- **Trucks, trailers, construction equipment, agricultural equipment sales, rental, leasing, outdoor storage:** “The use of any building, land area, or other premises or portion thereof used for the sale, rental, leasing, or outdoor storage of trucks, trailers, construction equipment, or agricultural equipment

For example, the definition of *automobile dealership* includes some vehicle categories that already have separate defined use terms per the Unified Development Code. For instance, *boat (and marine supply) storage, charter, repair, sale* is a separate use per the UDC, but boats are also classified under the term automobile; therefore, the sale of boats may be construed as an automobile dealership per code.

Furthermore, there is some overlap between the *automobile dealership* use and the *trucks, trailers, construction equipment, etc. sales*, use. While the intent of the *trucks, trailers, construction equipment sales* use term was to capture the sale of vehicles primarily used in construction and agriculture, the definition of the use term lends ambiguity to interpreting these uses in the Unified Development Code.

Proposed revisions to these uses are included further in the report along with new proposed uses.

### **Proposed Uses**

The definition of the automobile dealership use is broad and consolidates vehicle categories that may be better served by separate definitions. Currently, the automobile dealership use includes the sale of all vehicles defined under the term automobile. However, the vehicle categories defined under automobile are distinguishable from one another; the built form of a car dealership may differ from a motorcycle dealership or RV dealership.

It is also worth noting that there are indications that the automobile industry is constantly changing. Interest in alternatives to passenger cars, such alternative energy vehicles and motorcycles, could lead to increased demand for dealerships selling those vehicles, which are often boutique-style and smaller in footprint, in contrast to passenger car dealerships.

Therefore, Staff is proposing two additional use terms in addition to the three existing and aforementioned use terms in order to distinguish between the different categories of vehicle sales. The proposed revisions to the existing use terms, as well as the new proposed uses are listed below, followed by an explanation of the revisions.

**Automobile Dealership (existing):**

“A retail business primarily housed in a structure and characterized by a mixture of related uses upon a commercial site; however, the principal use of the site shall be the marketing of new or used automobiles, whether by sale, rent, lease, or other commercial or financial means. Secondary supporting uses may also exist upon the same site, such as maintenance, repair and service areas, parts storage areas, and financial service areas.”

**Automobile Dealership (proposed):**

“A retail business primarily housed in a structure and characterized by a mixture of related uses upon a site; however, the principal use of the site shall be the marketing of **new or used four-wheeled motor vehicles designed for passenger transport, including passenger cars and light-duty trucks (such as pickup trucks, sport utility vehicles, vans, and minivans)**. Secondary supporting uses may also exist upon the same site, such as maintenance, repair and service areas, parts storage areas, and financial service areas.”

While the automobile dealership use term remains largely the same, the definition has been revised to clearly delineate that the use is only applicable to four-wheeled vehicles designed for passenger transport, to include passenger cars and light-duty trucks. Light-duty trucks include pickup trucks, sport utility vehicles, vans, and mini vans.

**Boat (and Marine Supply) Storage, Charter, Repair, Sale (existing, to remain):**

“Any establishment that provides for the storage, charter, repair, and/or sale of boats and similar vessels.”

The boat (and marine supply) storage, charter, repair, sale use term remains unchanged.

**Motorcycle, ATV, and All Other Motor Vehicles Dealership (proposed):**

“A retail business primarily engaged in the marketing of new or used motorcycles, motor scooters, motorbikes, mopeds, off-road all-terrain vehicles (ATV), jet skis, and other motor vehicles (except passenger cars, trucks, recreational vehicles, and boats). Secondary supporting uses may also exist upon the same site, such as maintenance, repair, and service areas, parts storage areas, and financial service areas.”

This is a new proposed use term, as the sale of motorcycles and similar vehicles are presently included in the automobile dealership use term. Similar to the automobile dealership use, it delineates specific vehicles that fall under this use term and allows for secondary supporting uses.

**Recreational Vehicle Dealership (*proposed*):**

“A retail business primarily engaged in the marketing of new or used recreational vehicles, commonly referred to as RVs. Secondary supporting uses may also exist upon the same site, such as maintenance, repair, and service areas, parts storage areas, and financial service areas.”

This is a new proposed use term, as the sale of RVs is presently included in the automobile dealership use term. Similar to the automobile dealership use, it delineates specific vehicles that fall under this use term and allows for secondary supporting uses.

**Trucks, Trailers, Construction Equipment, Agricultural Equipment Sales, Rental, Leasing, Outdoor Storage (*existing*):**

“The use of any building, land area, or other premises or portion thereof used for the sale, rental, leasing, or outdoor storage of trucks, trailers, construction equipment, or agricultural equipment.”

**Trucks, Trailers, Construction Equipment, Agricultural Equipment Sales, Rental, Leasing, Outdoor Storage (*proposed*):**

“The use of any building, land area, or other premises or portion thereof used for the sale, rental, leasing, or outdoor storage of **medium and heavy duty** trucks, trailers, construction equipment, or agricultural equipment.”

This is a revision to an existing use term in order to resolve overlap between the automobile dealership use term and the trucks, trailers, construction equipment, etc. use term. The definition has been modified to clarify that light duty trucks (such as sport utility vehicles and pickup trucks) are not included under this use term, but medium and heavy duty trucks (such as box trucks and semi-trucks) are included.

**ARTICLE 3 – NON-RESIDENTIAL USE TABLE**

As discussed on the Planning Commission meeting on October 12<sup>th</sup>, 2020, automobile dealerships are currently permitted solely in the “PC” Planned Commercial District.

Prior to 2009, the City of Chesterfield Zoning Ordinance permitted “sales, rental, and leasing of new and used vehicles, including automobiles” within the “PI” Planned Industrial District. With the adoption of the Unified Development Code in 2009, the current automobile dealership use was established and was omitted from permissible uses in the “PI” Planned Industrial District and solely permitted in the “PC” Planned Commercial District.

As mentioned in the discussion of use terms in the previous section of this report, vehicle categories may differ from each other in terms of form, function, and design. Based on these criteria, the sale of a vehicle category may be more suitable in a “PC” Planned Commercial District than in a “PI” Planned Industrial District, or vice versa. For example, a passenger car dealership may have a large quantity of surface parking, whereas a motorcycle dealership may have limited outdoor display and a more expansive indoor display.

Any changes adding or removing use terms from a district must be reflected in Article 3, Section 07 “Use Table for Non-Residential Districts”. It is important to note that allowing a use in a particular district does not automatically grant the use to a site. In the City of Chesterfield, the majority of commercial districts are planned, meaning that the development criteria and permitted uses for planned districts are specified in the governing site-specific ordinance. Each property desiring any of the proposed automobile dealership uses would need to request the use through the change of zoning process, and each use would be subject to any conditions imposed by the Planning Commission.

Staff recommends that the proposed dealership uses and revised existing uses be modified as noted in the excerpt of the Use Table below.

USE GROUP	ZONING DISTRICTS						
	PS	AG	PC	NB	PI	LI	MU
<b>COMMERCIAL/SALES</b>							
Automobile dealership			P		P		
Boat (and marine supply) storage, charter, repair, sale					P		
Motorcycle, ATV, and all other motor vehicles dealership			P		P		
Recreational vehicle dealership			P				
Trucks, trailers, construction equipment, agricultural equipment sales, rental, leasing, outdoor storage					P		

**RECOMMENDATION**

The changes herein are recommended by Staff in order to update the City’s uses and definitions, specifically in Article 3, Section 07 “Use Table for Non-Residential Districts” and Article 10, Section 03 “Use Terms”.

Staff recommends approval of the following changes to the Unified Development Code relating to automobile dealerships:

1. Revise the definitions of the “automobile dealership” and the “trucks, trailers, construction equipment, agricultural equipment sales, rental, leasing, outdoor storage” use terms as previously outlined in this report
2. Establish two use terms for “motorcycle, ATV, and all other motor vehicles” and “recreational vehicle dealership”
3. Amend the Use Table for Non-Residential Districts as listed previously in this report.

Attached to this report find the Public Hearing Notice, the proposed Article 10-03 use terms, and the red-line changes to the City's Use Table for Non-Residential Districts in Article 3-07 to revise the existing dealership uses, add new dealership uses, and modify the Use-Table for Non-Residential Districts.

After the vote is taken by the Planning Commission, this project will be presented before the Planning and Public Works Committee for a recommendation to City Council.

#### Attachments

1. Public Hearing Notice
2. Proposed Article 10-03 Use Terms
3. Amendment to UDC Section 3-07 Non-Residential Use Table

**NOTICE OF PUBLIC HEARING  
CITY OF CHESTERFIELD  
PLANNING COMMISSION**

**NOTICE IS HEREBY GIVEN** that the Planning Commission of the City of Chesterfield will hold a Public Hearing on November 23, 2020 at 7:00 p.m. Due to the recommendations of the President, the Governor, and the CDC, the meeting will be conducted virtually at <https://zoom.us/j/93803827652> or call in at (312) 626-6799 and enter meeting ID 938 0382 7652.

Said Hearing will be as follows:

**P.Z. 10-2020 City of Chesterfield (Unified Development Code - Article 3 and 10)**: An ordinance amending Article 3 and Article 10 of the Unified Development Code pertaining to uses and definitions.

Anyone interested in the proceedings will be given an opportunity to be heard. Copies of the request are available for review in the Department of Planning at Chesterfield City Hall, 690 Chesterfield Parkway West during weekdays between the hours of 8:30 a.m. and 4:30 p.m. If you should need additional information about this project, please contact Ms. Annisa Kumerow, Planner, by telephone at 636-537-4743 or by email at [akumerow@chesterfield.mo.us](mailto:akumerow@chesterfield.mo.us).

CITY OF CHESTERFIELD  
Merrell Hansen, Chair  
Chesterfield Planning Commission

For information about this and other projects under review by the Department of Planning, please visit “Active Projects” at [www.chesterfield.mo.us](http://www.chesterfield.mo.us)

Sec. 10-01. PROPOSED USE TERMS

Automobile dealership – A retail business primarily housed in a structure and characterized by a mixture of related uses upon a site; however the principal use of the site shall be the marketing of new or used four-wheeled motor vehicles designed for passenger transport, including passenger cars and light-duty trucks (such as pickup trucks, sport utility vehicles, vans, and minivans). Secondary supporting uses may also exist upon the same site, such as maintenance, repair and service areas, parts storage areas, and financial service areas.

Boat (and marine supply) storage, charter, repair, sale – Any establishment that provides for the storage, charter, repair, and/or sale of boats and similar vessels.

Motorcycle, ATV, and All Other Motor Vehicles Dealership – A retail business primarily engaged in the marketing of new or used motorcycles, motor scooters, motorbikes, mopeds, off-road all-terrain vehicles (ATV), jet skis, and other motor vehicles (except passenger cars, trucks, recreational vehicles, and boats). Secondary supporting uses may also exist upon the same site, such as maintenance, repair, and service areas, parts storage areas, and financial service areas.

Recreational vehicle dealership – A retail business primarily engaged in the marketing of new or used recreational vehicles, commonly referred to as RVs. Secondary supporting uses may also exist upon the same site, such as maintenance, repair, and service areas, parts storage areas, and financial service areas.

Trucks, trailers, construction equipment, agricultural equipment sales, rental, leasing, outdoor storage – The use of any building, land area, or other premises or portion thereof used for the sale, rental, leasing, or outdoor storage of medium and heavy duty trucks, trailers, construction equipment, or agricultural equipment.



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

**Use Table for Non-Residential Districts**

Uses:

P- Permitted

C-Conditional

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

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

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

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

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

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

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

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