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Planning Commission Staff Report

Meeting Date: January 11, 2020

From: Annisa Kumerow, Planner **AK**

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

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.

A Public Hearing was held regarding the proposed amendments on November 23rd, 2020. At that time, the Planning Commission provided feedback on the proposed uses and the districts in which they may be permitted. Additional information on the issues raised at the Public Hearing is detailed further in this report.

The proposed changes were directed by the Planning and Public Works Committee and require 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 based on prior direction from the Planning Commission 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.

PUBLIC HEARING

The changes herein are recommended 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.

A Public Hearing was held at the November 23rd, 2020 City of Chesterfield Planning Commission meeting. Issues associated with the request were identified by the Planning Commission, and below is a summary of the issues mentioned incorporating staff input in italics:

1. **Vehicle Storage:** There was concern expressed over the existing boat sale use (“Boat (and marine supply) storage, charter, repair, sale”) which is proposed to remain as existing, and whether the use should be clarified to remove the storage aspect from the sale aspect. Discussion ensued regarding the other vehicle sale use terms, and a desire for separate storage uses for each category of vehicle was expressed.

The existing boat use has been revised to refer solely to the sale of boats. Upon further research, the Unified Development Code contains language for boat storage in a separate “harbor, marina, and dock for waterborne vehicles” use. Additional uses have been proposed to address the request for separate storage uses for each vehicle category. These uses are described further in this report and are also included in the draft Article 3 Use Terms attachment.

2. **Motorcycle Dealership:** There was concern expressed regarding the language used in the use term for motorcycle sales (“motorcycles, ATVs, and all other motor vehicles dealership”). Specifically, it was expressed that the “all other vehicles” language should be replaced with “similar vehicles” in order to clarify the term.

The proposed term has been revised to reflect this change and is described further in this report. The proposed term is also included in the draft Article 3 Use Terms attachment.

3. **Airplanes:** There was an inquiry regarding how the sale of airplanes is classified.

The Unified Development Code does not presently contain a use term that addresses the sale of airplanes. A new use has been drafted and is described further in this report, and is also included in the draft Article 3 Use Terms attachment.

ARTICLE 10 - DEFINITIONS

EXISTING USES

As discussed in the Public Hearing, Staff conducted a review of existing definitions and use terms pertaining to automobiles and automobile dealerships. Three existing use terms (Article 10, Section 03) were identified for necessary revisions in order 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.”

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

PROPOSED USES - Sales

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 as 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.

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.

Aircraft Sales and Leasing Facilities and Services (proposed):

“A business primarily engaged in the marketing of new or used aircraft. 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 drafted after receiving input at the Public Hearing regarding a lack of a use term for aircraft.

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) Dealership (proposed):

“Any establishment that provides for the **sale or charter of new or used boats and similar vehicles**. **Secondary support uses may also exist upon the same site, such as maintenance, repair and service areas, parts storage areas, and financial service areas.**”

The definition has been revised to demonstrate that the use is only applicable for the sale or charter of boats and similar vehicles. Storage is not included in the revised boat dealership use.

Motorcycle, ATV, and Similar 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. The use term has been revised since it was presented at the Public Hearing to reflect the change from “all other motor vehicles” to “similar motor vehicles.”

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, and Leasing (proposed):

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

PROPOSED USES – Storage

As previously discussed in the report, an issue was raised at the Public Hearing concerning separate storage use terms for each category of vehicle. Four additional use terms are proposed to address this concern, and are listed below with one existing use term that also addresses vehicle storage.

Automobile Storage (proposed):

“A business engaged in the storage of 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) that are not sold on the premises.”

Motorcycle, ATV, and Similar Motor Vehicles Storage (proposed):

“A business engaged in the storage of motorcycles, motor scooters, motorbikes, mopeds, off-road all-terrain vehicles (ATV), jet skis, and other motor vehicles that are not sold on the premises.”

Recreational Vehicle Storage (proposed):

“A business engaged in the storage of recreational vehicles, commonly referred to as RVs, that are not sold on the premises.”

Trucks, Trailers, Construction Equipment, and Agricultural Equipment Outdoor Storage (proposed):

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

“Harbor, Marina, and Dock For Waterborne Vehicles” (existing):

A dock or basin where slips, moorings and often supplies, repairs, and other services are available for craft.

ARTICLE 3 – NON-RESIDENTIAL USE TABLE

As previously discussed, 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 on the following page.

USE GROUP	ZONING DISTRICTS						
	PS	AG	PC	NB	PI	LI	MU
COMMERCIAL/SALES							
Aircraft sales and leasing facilities and services					P		
Automobile dealership			P		P		
Automobile storage					P		
Boat (and marine supply) dealership					P		
Harbor, marina, and dock for waterborne vehicles					P		
Motorcycle, ATV, and similar motor vehicles dealership			P		P		
Motorcycle, ATV, and similar motor vehicles storage					P		
Recreational vehicle dealership			P		P		
Recreational vehicle storage					P		
Trucks, trailers, construction equipment, agricultural equipment sales, rental, and leasing					P		
Trucks, trailers, construction equipment, and agricultural equipment 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 existing use terms of “automobile dealership”, “boat (and marine supply) storage, charter, repair, sale”, and the “trucks, trailers, construction equipment, agricultural equipment sales, rental, leasing, outdoor storage” as previously outlined in this report.
2. Establish three new dealership use terms and four storage use terms as previously outlined.
3. Amend the Use Table for Non-Residential Districts as listed previously in this report.

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

Sec. 10-01. PROPOSED USE TERMS

Aircraft sales and leasing facilities and services – A business primarily engaged in the marketing of new or used aircraft. 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 – 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.

Automobile storage - "A business engaged in the storage of 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) that are not sold on the premises."

Boat (and marine supply) dealership – Any establishment that provides for the sale or charter of new or used boats and similar vehicles. Secondary support uses may also exist upon the same site, such as maintenance, repair and service areas, parts storage areas, and financial service areas.

Motorcycle, ATV, and similar 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.

Motorcycle, ATV, and similar motor vehicles storage – A business engaged in the storage of motorcycles, motor scooters, motorbikes, mopeds, off-road all-terrain vehicles (ATV), jet skis, and other motor vehicles that are not sold on the premises.

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.

Recreational vehicle storage – A business engaged in the storage of recreational vehicles, commonly referred to as RVs, that are not sold on the premises.

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

Sec. 10-02. EXISTING USE TERMS

Harbor, marina, and dock for waterborne vehicles – A dock or basin where slips, moorings and often supplies, repairs, and other services are available for craft.

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
<i>CIVIC</i>							
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					
<i>RESIDENTIAL</i>							
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
PUBLIC/RECREATIONAL							
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 waterborne vehicles					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				
OFFICE							
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
COMMERCIAL/SALES							
Aircraft sales and leasing facilities and services					P		
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 similar 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		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				
SERVICE/INDUSTRIAL							
Animal grooming service			P	P	P		
Automobile storage					P		
Barber or beauty shop			P	P			

	PS	AG	PC	NB	PI	LI	MU
Batching plant					P		
Blacksmith shop					P		
Boat (and marine supply) dealership					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		
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	

	PS	AG	PC	NB	PI	LI	MU
Manufacturing, fabrication, assembly, processing, or packing except explosives or flammable gases or liquids			P**		P	P	
Meat packing facility					P		
Motorcycle, ATV, and similar motor vehicles storage					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	
Recreational vehicle storage					P		
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,					P		

and agricultural equipment outdoor storage							
Trucks, trailers, construction equipment, agricultural equipment sales, rental, and leasing					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		