

BILL NO. 3516

ORDINANCE NO. 3309

AN ORDINANCE OF THE CITY OF CHESTERFIELD AMENDING SECTION 405.02.040.B, SECTION 405.02.060 AND SECTION 405.02.110 OF THE MUNICIPAL CODE PERTAINING TO LANDMARK AND PRESERVATION AREA (LPA) AND HISTORIC DESIGNATION PROCEDURES.

WHEREAS, the City of Chesterfield Unified Development Code contains regulations and requirements pertaining to the Landmark and Preservation Area (LPA) and Historic (H) Designation within the City; and,

WHEREAS, the Unified Development Code serves to promote the public health, safety, and general welfare of the citizens of the City of Chesterfield; and,

WHEREAS, the City of Chesterfield seeks to update the regulations and requirements pertaining Landmark and Preservation Area (LPA) and Historic (H) Designation Procedures; and,

WHEREAS, a Public Hearing was held before the Planning Commission on August 12, 2024; and,

WHEREAS, the Planning Commission recommends approval of the following amendments; and,

WHEREAS, the Planning and Public Works Committee, having considered said request, recommended approval of the Code amendments, by a vote of; and,

WHEREAS, the City Council, having considered said request, voted to approve the change to the Unified Development Code Section 405.02.040.B.1.e, Section 405.02.060, and Section 405.02.110.

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

Section 1. Section 405.02.040.B.1.e.11 of the City of Chesterfield Municipal Code shall be repealed and replaced as follows:

11. Approximate location of any historical artifacts, buildings, or historically significant buildings as identified by the City of Chesterfield or St. Louis County within the boundaries of the property.

Section 2. Section 405.02.060 of the City of Chesterfield Municipal Code shall be repealed and replaced as follows:

Section 405.02.060 **Landmark and Preservation Area (LPA) and Historic (H) Designation Procedures.**

A. Scope of Provisions. Nominations for an LPA or H designation shall be made to the City of Chesterfield and may only be submitted by the owner of record of the nominated property or structure, or by members of the City Council. Nominations shall be submitted to the City Clerk, who will within seven (7) days of receipt mail a notification of intent to nominate to the owner of record of the nominated property. Forms and criteria for nomination will be available at the office of the City Clerk.

B. Criteria For Consideration Of Nomination.

1. The City Council shall, after such investigation as it deems necessary, make a determination as to whether a nominated property, structure, site, area or district meets one (1) or more of the following criteria:
 - a. Its character, interest, or value as part of the development, heritage, or cultural characteristics of the community, County, State or country;
 - b. Its overall setting and harmony as a collection of buildings, structures, objects where the overall collection forms a unit;
 - c. Its potential to be returned to an accurate historic appearance regardless of alternations or insensitive treatment that can be demonstrated to be reversible;
 - d. Its location as a site of a significant local, County, State or country;
 - e. Its identification with a person or persons who significantly contributed to the development of the community, County, State or country;
 - f. Its embodiment of distinguishing characteristics of an architectural type valuable for the study of a period, type, method of construction, or use of indigenous materials;
 - g. Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, County, State or

country;

- h. Its embodiment of design, detailing, materials, or craftsmanship that render it architecturally significant;
- i. Its embodiment of design elements that make it structurally or architecturally innovative;
- j. Its unique location or singular physical characteristic that makes it an established or familiar visual feature of the neighborhood, community or City;
- k. Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to, farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance;
- l. Its suitability for preservation or restoration; and
- m. Its potential to yield information important to history and prehistory.

2. Any structure, property, or area that meets one (1) or more of the above criteria shall also have sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration.

- C. **Public Hearing On Landmark Preservation Area And Historic Designations.** A public hearing shall be held per the requirements of Section 405.02.020 of this Article.
- D. **Determination By Planning Commission.** Within sixty (60) days following close of the public hearing, the Planning Commission shall make a determination upon the evidence whether the nominated landmark or historic designation does or does not meet the criteria for designation. Such a determination shall be accompanied by a report stating the findings of the Planning Commission concerning the relationship between the criteria for designation of this Article and the nominated LPA or historic designation and all other information required by this Article.
- E. **Appeal.** Appeals and protests shall be in accordance with Section 405.02.190.
- F. **Action By City Council.** The City Council may within sixty (60) days after receiving the recommendation that the nominated landmark or historic designation be designated or receiving a written appeal, either reject the recommendation or written appeal by formal resolution or designate the landmark or historic designation by an ordinance. The City Council may hold a public hearing before enacting the resolution or ordinance and a written statement explaining the reasons for the action of the City Council shall accompany the ordinance.

G. The Designation Ordinance. Upon designation, the landmark or historic designation shall be classified as an LPA, landmark preservation area, or H, historic designation, and the designating ordinance shall prescribe the significant exterior architectural features, the types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit that should be reviewed for appropriateness, the design guidelines for applying the criteria for review of appropriateness, permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, lot size, sign regulation and parking regulations. The official Zoning Map of the City of Chesterfield shall be amended to show the location of the H, historic designation, or LPA, landmark preservation area.

H. Interim Control. No municipal zoning authorization shall be issued for alteration, construction, demolition, or removal of a potential landmark or of alteration, construction, demolition, or removal of a potential landmark or of any property or structure identified as a potential historic designation, unless such alteration, removal or demolition is authorized by formal resolution of the City Council as necessary for public health, welfare or safety. In no event shall the delay be more than one hundred eighty (180) days.

I. Amendment And Rescission Of Designation. Designation may be amended or rescinded upon petition to the City of Chesterfield and compliance with the same procedure and according to the same criteria set forth herein for designation.

J. Applications For Certificates Of Appropriateness.

1. An application for a certificate of appropriateness must be made prior to applying for a demolition permit or a building permit affecting the exterior architectural appearance of any landmark or any structure within an historic designation, including but not limited to the following:

- a. Any construction, alteration, or removal requiring a building permit from the City of Chesterfield;
- b. Any demolition in whole or in part requiring a demolition permit from the City of Chesterfield;
- c. Any construction, alteration, demolition or removal affecting a significant exterior architectural feature or appearance as specified in the ordinance designating the landmark or historic designation;
- d. Any construction, alteration or removal involving earth-disturbing activities that might affect archaeological resources;
- e. Any actions to correct a violation of a minimum maintenance

standard.

2. Applications for a certificate of appropriateness shall include accompanying plans and specifications affecting the exterior architectural appearance of a designated landmark or a property within a designated historic designation, and applications for building and demolition permits shall include plans and specifications for the contemplated use of the property. The Department shall forward applications for building and demolition permits to the Architecture Review Board (ARB). A building or demolition permit shall not be issued until a Certificate of Appropriateness has been issued.

Section 3. Section 405.02.110 D. 1. i of the City of Chesterfield Municipal Code shall be repealed and replaced as follows:

- i. Approximate location of any historical building within the boundary tract, as identified by the St. Louis County Historic Building Commission or the City of Chesterfield.

Section 4. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as whole, or any part thereof.

Section 4. The City Council, pursuant to the petition filed by the City of Chesterfield, in P.Z. 06-2024, requesting the amendment in Article 2 embodied in this ordinance, and pursuant to the recommendation of the City of Chesterfield Planning Commission that said petition be granted and after a public hearing, held by the Planning Commission on the 12th day of August, 2024, 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 5. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 8 of the City of Chesterfield Unified Development Code.

Section 6. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 17th day of September, 2024.

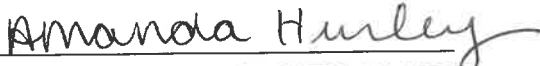


PRESIDING OFFICER



Bob Nation, MAYOR

ATTEST:



~~Vickie McGownd, CITY CLERK~~

Amanda Hurley, Deputy City Clerk

FIRST READING HELD: 09/03/2024