

Bill No. 5060

Ordinance No. _____

Requested by: Joe Brazil, Joe Cronin

Sponsored by: Joe Brazil, Joe Cronin

AN ORDINANCE EXTENDING THE DURATION WITHIN WHICH A CONDITIONAL USE PERMIT MUST BE IN PLACE AND IN ACTIVE USE BEFORE IT IS CONSIDERED NULL AND VOID FOR ALL PERMITS SET TO EXPIRE DURING THE CURRENT TWO HUNDRED AND SEVENTY DAY EXTENSION, FOR A TOTAL EXTENSION PERIOD OF FOUR HUNDRED EIGHTY-SEVEN DAYS FROM AUGUST 31, 2021

WHEREAS, Article II, Section 2.529 of the St. Charles County Charter provides that the Council may exercise legislative power pertaining to public health and welfare, police and traffic, building construction, and planning and zoning, in the part of the County outside incorporated cities, towns, and villages, and on such other subjects as may be authorized by the Constitution or by applicable law; and

WHEREAS, Section 405.535.B.2, OSCCMo, provides that by its own motion and by ordinance the County Council may amend the text of Chapter 405 OSCCMo; and

WHEREAS, on March 13, 2020, Missouri Governor Michael L. Parson declared a State of Emergency in Missouri, in response to which the St. Charles County Executive Steve Ehlmann declared that a State of Emergency existed in St. Charles County, Missouri; and

WHEREAS, St. Charles County has adopted the zoning regulations in

Chapter 405 OSCCMo; and

WHEREAS, the County Council, upon finding that, due to significant impairments in real estate development and construction industries causing delays in all such activities created by the worldwide COVID-19 pandemic, it was necessary and in the public interest to amend Section 405.510.B, OSCCMo, to temporarily extend the duration of time within which conditional uses granted by conditional use permits must be in place and in active use before the conditional use permits become null and void for all conditional use permits set to expire during the period of declared emergency, passed Ordinance No. 21-093 amending section 405.510.B to temporary extend the expiration of time within which the Conditional Use Permits must be active by two hundred seventy (270) days after the end of the declared emergency, August 31, 2021; and

WHEREAS, the County Council hereby finds that the significant impairments in real estate development and construction industries causing delays in all such activities created by the worldwide COVID-19 pandemic, continue to exist, making it necessary and in the public interest to further amend Section 405.510.B, OSCCMo, by adding two hundred seventeen (217) days to the two hundred seventy (270) days extension of the Conditional Use Permit expirations, for a total time period extension of four hundred eighty-seven days past the end of the declared emergency, August 31, 2021.

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

Section 1. Section 405.510.B, OSCCMo. is hereby amended as follows (additions and updated information in **bold** type and deletions [~~bracketed and stricken~~):

Section 405.510 Conditional Use Permits.

B. Before authorizing the issuance of a conditional use permit, the County Council may impose such conditions as will, in the County Council's judgment, ensure that the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger public health, safety, or general welfare; that the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or to the esthetic and/or scenic values of the vicinity, nor substantially diminish and impair property values within the neighborhood; and that the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. Substantial compliance with an approved concept plan shall be a condition of an approved conditional use permit. In any case where a conditional use is not in place and in active use within two (2) years from the date of granting, and/or in accordance with the terms of the conditional use originally granted or subsequently amended, then, without further action by the Planning and Zoning Commission and/or the County Council, the conditional use, or

authorization thereof, shall be null and void. All conditional use permits set to expire during the period of the declared COVID-19 state of emergency, shall be granted an extension of time from the end of the two (2) year period stated in the specific conditional use permits, through [~~two hundred seventy (270)~~] **four hundred eighty-seven (487)** calendar days past the end of the declared emergency, **August 31, 2021**, before each conditional use is null and void.

Section 2. This ordinance shall be in full force and effect from and after the date of its passage and approval and shall cease to be in full force and effect four hundred eighty-seven (487) calendar days past the end of the declared emergency, unless further extended by the St. Charles County Council.

DATE PASSED

DATE APPROVED BY COUNTY EXECUTIVE

CHAIR OF THE COUNCIL

COUNTY EXECUTIVE

ATTEST:

COUNTY REGISTRAR