

Bill No. 4691

Ordinance No. \_\_\_\_\_

Requested by: St. Charles County Planning & Zoning Commission

Sponsored by: Council as a Whole

AN ORDINANCE AMENDING SECTIONS 405.510.D, AND 405.535.B OF THE ORDINANCES OF ST. CHARLES COUNTY MISSOURI (“OSCCMO”), THE UNIFIED DEVELOPMENT ORDINANCE (“UDO”) RELATING TO NOTIFICATION REQUIREMENTS FOR PROPERTIES SUBJECT TO REZONING AND CONDITIONAL USE PERMIT APPLICATION AND APPROVAL PROCESSES

WHEREAS, Art. II, Section 2.529 of the St. Charles County Charter grants to the County Council 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

WHEREAS, St. Charles County has adopted the zoning regulations in Chapter 405 OSCCMo; and

WHEREAS, Section 405.535.B.2, OSCCMo, provides that the Planning and Zoning Commission may recommend revisions to Chapter 405 of the UDO upon its own motion, for final determination by the County Council, and the County Council may amend the text of Chapter 405 OSCCMo by ordinance; and

WHEREAS, in its October 17, 2018 meeting, the Planning and Zoning Commission approved a motion to change the notification distance requirements for conditional use permit and rezoning applications in the Agricultural

Zoning District by increasing said distance to two-thousand 2,000 feet; and

WHEREAS, the County Council finds that it is in the public interest to amend the regulations of Chapter 405, Sections 405.510, and 405.534, OSCCMo, as provided herein, relating to required notification distance.

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

Section 1. Section 405.510.D., OSCCMo, is hereby amended as follows (added text in **bold type**, deleted text in [~~bracketed and stricken type~~]).

Section 405.510 *Conditional Use Permits.*

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D. All such complete applications shall be set down for public hearing before the Planning and Zoning Commission not later than the second regular monthly meeting of the Planning and Zoning Commission from the date of filing of the same. Notice of such public hearing shall be posted at least fifteen (15) days in advance thereof in one (1) or more public areas of the Administration Building of the County and on the St. Charles County Government website. Notice shall also be given, at least fifteen (15) days before the public hearing, by First Class Mail to all owners of any real property within five hundred (500) feet of the parcel of land for which the conditional use permit is proposed, **except when the parcel of land for which the conditional use permit is proposed is**

**located in an Agricultural Zoning District and more than 75% of the linear boundary of said parcel adjoins property located in an Agricultural Zoning District, in which case, notice shall be mailed to all owners of any real property within two thousand (2,000) feet of the parcel of land for which the conditional use permit is proposed.**

Section 2. Section 405.535.B.1.c., OSCCMo, is hereby amended as follows (added text in bold type, deleted text in [~~bracketed and stricken type~~]).

*Section 405.535 Procedures for Rezoning and Amendments.*

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B. *Procedures For Rezonings.*

1. *Change by petition.* Applications for amendment, revision or change of the Zoning District Map of St. Charles County may be made by any owner, attorney, agent, representative or contract purchaser who wants land to be rezoned. Satisfactory evidence of ownership shall be provided at the time of application. Such application shall be made upon forms prescribed by the Planning and Zoning Commission and duly filed with the Division of Planning and Zoning. For the purpose of developing a staff recommendation to approve, reject or modify the rezoning, an applicant for rezoning authorizes the Community Development

Department's staff, or staff of other agencies at the Department's direction, to enter and inspect the subject property. This authority shall cease upon the Governing Body's decision on the rezoning.

- a. Accompanying said application the following shall be provided:
  - (1) A legal description of the property to be rezoned.
  - (2) A current recorded deed to the property showing ownership.
  - (3) An application fee as set by ordinance.
- b. Immediately upon receipt of such applications which include all items listed above, the Division of Planning and Zoning shall note thereon the date of filing and make a permanent record thereof.
- c. All such applications shall be set down for hearing before the Planning and Zoning Commission not later than the second regular monthly meeting of the Planning and Zoning Commission from the date of filing the same. Notice of such hearing shall be posted at least fifteen (15) days in advance thereof in one (1) or more public areas of the Administration Building of the County

and on the St. Charles County Government website. Notice shall also be given, at least fifteen (15) days before the hearing, by U.S. mail to all owners of any real property (as per the current records of the St. Charles County Assessor) within one thousand (1,000) feet of the parcel of land for which the change is proposed, **except when the parcel of land for which the change is being proposed is located in an Agricultural Zoning District and more than 75% of the linear boundary of said parcel adjoins property located in an Agricultural Zoning District, in which case, notice shall be mailed to all owners of any real property within two thousand (2,000) feet of the parcel of land for which the change is proposed.**

- d. The hearing may be continued and/or the deliberation on a case delayed until the next regularly scheduled meeting by the concurrence of three (3) Commissioners on a one-time basis. Additional hearing and/or deliberation continuances shall require the majority vote of the Commission. Upon the final hearing of such application the Planning and Zoning Commission shall approve or deny that application by majority vote. A report of the Commission's action, together with a recommendation for final approval or

denial, shall be made by the Commission to the Governing Body within forty-five (45) days of the conclusion of the public hearing.

- e. Upon receipt of the Planning and Zoning Commission's report and recommendation, the Governing Body may approve, deny or amend the application or the applicant may amend the application. The proposed amendment must either reduce the area to be rezoned or reduce the intensity of the original zoning district applied for.

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Section 3. For purposes of administration of Sections 1 and 2, this Ordinance shall be in full force and effect from and after its passage and approval. For all other purposes, this Ordinance shall be effective on the thirty-first day after publication of this Ordinance

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DATE PASSED

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DATE APPROVED BY COUNTY EXECUTIVE

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CHAIR OF THE COUNCIL

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COUNTY EXECUTIVE

ATTEST:

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COUNTY REGISTRAR

Comm Dev.PZ request.notification req 2000 ft for A dist [AR 1-8-19].3-19.E