

Substitute Bill No. 4680

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

Requested by: Joe Brazil, Dave Hammond

Sponsored by: Joe Brazil, Dave Hammond

AN ORDINANCE AMENDING SECTIONS 405.200.C,  
AND 405.210.A. OF THE ORDINANCES OF ST.  
CHARLES COUNTY MISSOURI (“OSCCMO”), THE  
UNIFIED DEVELOPMENT ORDINANCE  
RELATING TO SLOPES AND COMMON GROUND.

WHEREAS, Art. II, Section 2.513 of the St. Charles County Charter also provides that the Council may establish and collect fees for licenses, permits, inspections and services performed by County officers and employees; and

WHEREAS Art. II, Section 2.514 of the St. Charles County Charter further authorizes the County Council to "license, tax, and regulate all businesses, occupations, professions, vocations, activities or things whatsoever set forth and enumerated by the Constitution or by Applicable Law" within the unincorporated areas of the County and also within incorporated areas of the County with the consent of their governing bodies; and

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 by its own motion and by ordinance the County Council may amend the text of Chapter 405 OSCCMO; and

WHEREAS, the County Council finds that it is in the public interest to amend the regulations of Chapter 405, Sections 405.200.C, and 405.210.A., OSCCMO, as provided herein, relating to slopes and improvement plans.

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

Section 1. Section 405.200.C., OSCCMO, is hereby amended as follows (added text in **bold type**, deleted text in [~~bracketed and stricken type~~]).

Section 405.200 *Design Standards*.

- A. For all zoning districts, the minimum area required will be ten (10) acres for establishing a "PUD" Overlay District in each of the respective zoning designations.
- B. In calculating the minimum area for a "PUD" Overlay District, the measurements shall not include any existing dedicated streets, roads, or detention basins.
- C. A minimum of fifteen percent (15%) of the total project area must be dedicated as open space. All areas within the floodway must be platted as common ground. Pre-developed slopes of **five (5) horizontal to one (1) vertical** [~~twenty percent~~] (20%), or more shall remain undisturbed and platted as common ground **or subject to**

**enforceable non-disturbance restrictions shown on and approved with the Preliminary Plat pursuant to Section 405.223.** The Director of the Division of Planning and Zoning may waive the common ground **and non-disturbance restrictions** requirement for slopes between **five (5) horizontal to one (1) vertical** ~~twenty percent (20%)~~, and [~~thirty percent (30%)~~] **two (2) horizontal to one (1) vertical (50%)**, if a geotechnical report conforming to the requirements of Section 40.60 of the St. Charles County Highway Department Design Criteria for the Preparation of Improvement Plans as issued in February, 2002, or as amended thereafter, is submitted and approved [~~prior to the approval of the PUD~~] **along with the improvement plans required by Section 405.235.** The decision of the Director of the Division of Planning and Zoning may be appealable to the County Council.

Section 2. Section 405.210.A., OSCCMO, is hereby amended as follows (added text in bold type, deleted text in [bracketed and stricken type]).

Section 405.210 *Maintenance and The Use of [~~Open Space~~] Common Ground in A "PUD"*.

- A. In a "PUD" Overlay District, all land not (1) subdivided into lots or used as the building site for multi-family dwellings, (2) **used for existing** public or private roads, streets, privately maintained off-street parking facilities, (3) **used for existing** drainage and utility easements, (4) **used for** potential or existing school sites, (5) **used for existing** retention or detention basins, and

drainage canals, **or (6) used for existing recreational facilities**, shall be deemed "common ground" and have ownership vested with a non-profit property owners' association. The association shall maintain the common ground and any buildings, recreational facilities, detention and retention basins, sidewalks, or private streets **constructed upon it under the approved plans for the PUD**. The homeowners' association shall levy assessments among all owners of lots and all owners of condominiums for the purpose of raising funds to:

1. Maintain the common ground, recreational facilities, retention and detention facilities, etc.
2. Pay real estate taxes assessed on the common ground.
3. Pay for any insurance premiums on the common ground.
4. Pay for any improvements which the homeowners' association deems necessary or desirable for the common ground and all buildings and facilities upon it.

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