AN ORDINANCE MODIFYING AND AMENDING THE BOARD OF ZONING ADJUSTMENT’S DECISION ON APPLICATION VAR20-01

WHEREAS, the St. Charles County Charter, Article II, Section 2.529 grants to the County Council legislative power pertaining to planning and zoning in the part of the County outside incorporated cities, towns and villages; and

WHEREAS, a parcel of land located at 3300 North Highway 94 which is located within unincorporated St. Charles County and designated by the Zoning Map of St. Charles County as being within the I2, Heavy Industrial District, with Floodway and Floodway Fringe Overlay Districts; and

WHEREAS, Section 405.175.D.2 of the Ordinances of St. Charles County, Missouri, (OSCCMo) requires a minimum front yard setback of thirty-five (35) feet within the I2, Heavy Industrial District, with Floodway and Floodway Fringe Overlay Districts; and

WHEREAS, the property owner, Dyer-Weisz, LLC, applied through Application VAR20-01 to vary the front yard setback from thirty-five (35) feet to ten (10) feet to construct an outdoor storage lot on the property; and

WHEREAS, pursuant to Section 405.635 OSCCMo, which requires the concurring vote of four (4) members of the Board of Zoning Adjustment (Board) to determine variance
requests, the Board denied Application VAR20-01 by a vote of 0 ayes and 4 nays; and

WHEREAS, pursuant to Sections 405.639 OSCCMo, Dyer-Weisz, LLC has timely filed an appeal to the County Council from the Board’s denial of Application VAR20-01, and additionally submitted to the Council a request to amend the originally requested setback variance from ten (10) feet to twenty (20) feet; and

WHEREAS, the Board has provided to the County Council a complete record of the Board’s action and decision on Application VAR20-01 as required by Section 405.639.B, OSCCMo; and

WHEREAS, per Section 405.639.B, of the Unified Development Ordinance, to reverse, modify or amend the decision of the Board of Zoning Adjustment and passing this Substitute Bill requires the super majority vote of five (5) County Council members.

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

Section 1. The Council hereby receives the following documents into the record: the St. Charles County Master Plan Year 2030; the Unified Development Ordinance of St. Charles County, Missouri; and the documents attached hereto as EXHIBIT A, which exhibit contains the applicant’s statement of hardship, the plans and any other documents relied on in reaching this determination of the Council.

Section 2. The County Council hereby modifies and amends the decision of the Board of Zoning Adjustment for Application VAR20-01, by considering and granting the
amended requested variance to Section 405.175.D.2 OSCCMo to vary the minimum front yard setback for the I2, Heavy Industrial District, with Floodway and Floodway Fringe Overlay Districts from thirty-five (35) feet to twenty (20) feet, subject to the following conditions:

1. The applicant shall construct an adequate drainage culvert in the proposed new crossing over the canal running parallel with the front of the property, and maintain the drainage canal to ensure free flow of water and adequate drainage of the Property and surrounding properties as determined by the Director of Community Development Department.

2. The applicant shall construct and maintain visual screening along the frontage of Hwy 94 constructed of landscaped berms, vegetation screening that does not lose all leaves in the fall, fencing, or any combination of these methods. Such visual screening shall be of elevation equal to or exceeding the elevation of any stored unit in the area west of the drainage canal. Vegetative screening shall be given a reasonable period for maturity. The property's entrance and reasonable drainage exit areas are excluded from this condition. Compliance with this condition shall be determined by the Director of Community Development Department.

Section 3. This ordinance shall be in full force and effect from and after the date of its passage and approval upon the County Council’s approval and service of written findings of fact, conclusions of law, and decision, as required by law.
DATE PASSED

DATE APPROVED BY COUNTY EXECUTIVE

CHAIR OF THE COUNCIL

COUNTY EXECUTIVE

ATTEST:

COUNTY REGISTRAR