

Substitute Bill No. 4901

Ordinance No. 20-098

Requested by: Mike Hurlbert

Sponsored by: Council as a Whole

AN ORDINANCE AMENDING SECTIONS 132.040, 405.060, 405.525, 410.110, 410.145, 410.160, 410.210, 410.220, 410.410, 410.460, 412.080 AND 420.020 OF THE ORDINANCES OF ST. CHARLES COUNTY ADDRESSING ADDITIONAL REGULATORY REQUIREMENTS AND DESIGN CRITERIA FOR POST-CONSTRUCTION STORMWATER MANAGEMENT.

WHEREAS, current St. Charles County stormwater requirements ordinances govern the management of flow rate/flood control for larger storm events and the preservation of watercourse buffers, tree canopy, and other environmental conservation practices that promote the filtration and infiltration of stormwater; and

WHEREAS, revisions to the current regulations are necessary to allow St. Charles County to remain in compliance with the minimum requirements of the federal Clean Water Act and the State of Missouri's MS4 Stormwater Discharge permit; and

WHEREAS, under new regulations, stormwater runoff from our smaller and more frequent storm events will be required to be managed and treated for water quality (to reduce volume/pollution) and stream channel protection (to reduce erosion) in addition to the existing regulations; and

WHEREAS, compliance with the new regulation will be accomplished with facilities that intercept and infiltrate, evaporate, store and re-use, filter, and/or slowly release stormwater back into the natural system; and

WHEREAS, several sections of the ordinance are being revised to accommodate our new requirements for stormwater quality management in post-construction development (permanent stormwater management facilities that are different from traditional stormwater detention basins – these practices/facilities manage, filter and reduce, volumes of runoff from smaller storm events as opposed to controlling peak-flowrates of larger storm events); and

WHEREAS, any request for variances to Chapter 405 non-use regulation requirements and any appeals from county official’s decisions regarding Chapter 405 requirements may be made to the Board of Zoning Adjustments pursuant to section 405.639; and any request for variances to Chapter 410 due to practical difficulties with the property or particular hardships may be made to the Planning and Zoning Commission and Governing Body pursuant to Section 410.480; and requests for waivers of Land Disturbance/Erosion Sediment Control permitting requirements other than those already exempted under Section 412.050, may be made to the Director of Development Review pursuant to Section 412.070; and pursuant to section 412.180 governing the use of design manual and other guidelines, the manuals are not intended to preclude use of other erosion and sediment control methods not included therein, but rather, engineering professionals are encouraged to design innovative ways to address site specific conditions

subject to approval by the Director of Development Review, compliance with regulations and the terms and conditions of applicable Federal and State permits.

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

Section 1. Section 132.040, OSCCMo. is hereby amended as follows (additions and updated information in **bold** type and deletions [~~bracketed and stricken~~):

Section 132.040 Responsibilities.

- A. The Director of the Department of Community Development shall be responsible, through the Division of Planning and Zoning, for the administration of the zoning and subdivision regulations in Chapters 405 and 410 of the Unified Development Ordinance of St. Charles County and for all associated functions, including enforcement except as otherwise provided pursuant to Section 132.040(C) of this Chapter.
- B. The Director of the Department of Community Development shall be responsible, through the Division of Development Review, for **reviewing, amending, and updating the "Design Criteria for the Preparation of Improvement Plans" originally issued in February 2002 by the St. Charles County Highway Department, as amended thereafter;** reviewing and approving plans pursuant to the regulations in Chapters 405, 410 and 412 of the Unified Development

Ordinance of St. Charles County; and for managing public works projects undertaken for neighborhood improvement districts established by St. Charles County, and for all associated functions, including enforcement except as otherwise provided pursuant to Section 132.040(C) of this Chapter.

- C. The Director of the Department of Community Development shall be responsible, through the Division of Building and Code Enforcement, for the administration and enforcement of the Building Codes of St. Charles County adopted in Chapter 500, Ordinances of St. Charles County, Missouri, and for all associated functions.

Section 2. Section 405.060, OSCCMo. is hereby amended as follows (additions and updated information in **bold** type and deletions [~~bracketed and stricken~~):

Section 405.060 Definitions.

For the purpose of Chapter 405, Chapter 410 and Chapter 412, the following words and terms used herein are defined to mean the following:

Words used in present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "*building*" includes the word "*structure*"; the word "*shall*" or the word "*must*" is mandatory and not directory; the term "*used for*" includes the meaning "*designed for*" or "*intended for*."

ACCESSORY BUILDING

A subordinate building having a use customarily incidental to and located on the lot occupied by the main building.

ACCESSORY STRUCTURE

See APPURTENANT STRUCTURE.

ACCESSORY USE

A use customarily incidental to the main use of the property.

ADMINISTRATOR

The Federal Insurance Administrator.

ADULT ARCADE

Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

ADULT BOOKSTORE—ADULT NOVELTY STORE—ADULT VIDEO STORE

A commercial establishment that has as a substantial or significant portion of its stock-in-trade and offers for sale, for any form of consideration, any one (1) or more of the following:

1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion

- pictures, video cassettes or disks, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
2. Instruments, devices, or paraphernalia that are designed or marketed for use in connection with specified sexual activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as "*adult bookstore*", "*adult novelty store*" or "*adult video store*". Such other business purposes will not serve to exempt such commercial establishments from being categorized as an "*adult bookstore*", "*adult novelty store*" or "*adult video store*" so long as one (1) of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT CABARET

A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion

pictures, video cassettes or disks, slides, or other photographic reproductions in which a substantial or significant portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

ADULT DAY CARE

A group program designed to provide care and supervision to meet the needs of five (5) or more functionally impaired adults (age eighteen (18) or older) for periods of less than twenty-four (24) hours but more than two (2) hours per day in a place other than the adult's own home.

ADULT MOTEL

A hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes or disks, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

3. Allows a tenant or occupant of the sleeping room to subrent the room for a period of time that is less than ten (10) hours.

Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel.

ADULT MOTION PICTURE THEATER

An establishment where, for any form of consideration, films, motion pictures, video cassettes or disks, slides, or similar photographic reproductions are shown, and in which a substantial or significant portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER

A theater, concert hall, auditorium, or similar establishment in which a substantial or significant portion of the presentation time is devoted to the exposure of specified anatomical areas or to specified sexual activities.

AGRICULTURAL AND FARM BUILDINGS

Any building which is necessary or incidental to the normal conduct of a farm as defined herein (see *Farm*), including, but not limited to, residence of the operator, residence of full-time farm employees; barns, buildings and sheds for housing livestock, poultry and farm machinery; buildings

for the storage or shelter of grain, hay and other crops; silos, windmills and water storage tanks.

AGRICULTURAL COMMODITIES

Agricultural products and livestock.

AGRICULTURAL STRUCTURE

Any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

AGRICULTURE OR FARMING

The planting, cultivating, harvesting, and storage of grains, hay, or plants, vineyards, or trees commonly grown in St. Charles County. The raising and feeding of livestock and poultry shall be considered an agricultural venture if the area in which the livestock or poultry is kept contains ten (10) acres or more in area, and if such raising of livestock and poultry is incidental or supplemental to the raising of crops.

AIRPORT

A facility for servicing take-off/landing aircraft having a runway or runways and open to public use, but not necessarily to all types of aircraft.

ALLEY

A right-of-way which affords a secondary means of access to abutting property.

ALTERATION

As applied to a building or a structure, a change or rearrangement in the structural parts; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

AMUSEMENT GAME MACHINE

A coin or token-operated machine or device which, whether mechanical, electrical, or electronic, shall be ready for play by the insertion of a coin or token, and may be operated by the public for use as a game, entertainment, or amusement, the object of which is to achieve either a high or low score, which, by comparison to the score of other players, whether playing concurrently or not, demonstrates relative skill or competence, or indicates in any other way competitive advantage of one (1) player or team over another, regardless of skill or competence. It shall include devices such as pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities.

AMUSEMENT GAME MACHINE COMPLEX

A group of more than three (3) amusement games or other amusement machines, in the same place, location, or premises.

ANIMAL, EXOTIC OR WILD

An animal which is not of a species customarily used as a household pet, but one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country, or one which otherwise causes a reasonable person to be fearful of bodily harm or property damage.

ANIMAL FEEDLOT

A lot or building, or combination of contiguous lots and buildings, intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in

which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy facilities, swine facilities, beef lots and barns, horse stalls, mink ranches and domesticated animal zoos, shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.

ANIMAL, PET

See PETS.

ANIMAL, PET, DOMESTIC OTHER

See PETS, DOMESTIC OTHER.

ANIMAL UNIT

Unit of measure used by the Environmental Protection Agency and the State of Missouri in the regulation of animal feedlots. The average weight of animal divided by one thousand (1,000) pounds equals animal units. The following animals are rated in terms of animal units and adopted by the State of Missouri and St. Charles County.

Animal	Head per Animal Unit
broiler	100.0
horse	.5
laying hen	30.0
dairy cow	.7
sheep	10.0
slaughter steer or heifer	1.0
swine over 55 lbs.	2.5
swine under 55 lbs.	15.0

Animal	Head per Animal Unit
turkey	55.0

ANTENNAS

Any device used to collect or radiate electromagnetic waves for the provision of cellular, paging, personal communications services (PSC) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes and omnidirectional antennas, such as whips.

APARTMENT

A room or a suite of rooms within a building, provided with separate cooking facilities and intended as a single dwelling unit.

APPEAL

A request for a review of the Director of the Division of Planning and Zoning's interpretation of any provision of this Chapter or Chapter 410 or a request for a variance.

The entire area within the boundary lines of the territory proposed for the subdivision, including the area to be dedicated for street and alley right-of-way and public use.

AREA, NET

The entire area within the boundary lines of the territory proposed for the subdivision, less the area to be dedicated for street and alley right-of-way and public use.

AREA OF LOT

The extent of space within a lot, not including right-of-ways of streets and alleys.

AREA OF SPECIAL FLOOD HAZARD

Land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

ARTERIAL

A highway or street designated as a major thoroughfare in the current Master Plan as approved by the Governing Body for St. Charles County, Missouri.

BAR OR TAVERN

An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for the consumption on the premises.

BASE AREA OF MAIN STRUCTURE

The square feet of floor space within the outside line of walls and includes the total of all finished space on the main floor of a building. It does not include porches, garages or rooms without heating and/or air-conditioning.

BASE FLOOD

A flood having a one percent (1%) chance of being equalled or exceeded in any given year.

BASEMENT

Any area of the building having its floor subgrade (below ground level) on all sides.

BED AND BREAKFAST INN

A facility for overnight lodging where five (5) or more bedrooms are available to the transient public for overnight stay; where there is one (1) off-street parking space for each guest room and for the host;

also where breakfast is served. Typically, the host personally interacts with guests in order to better acquaint the guests with the community, and provides hospitality such as that being afforded any house guest.

BED AND BREAKFAST RESIDENCE

A single-family residence where the host must live in the residence; where there are between one (1) and five (5) guest rooms to house transient guests for overnight stay; where there is one (1) off-street parking space for each guest room and two (2) off-street parking spaces for the residence; also where breakfast is served. Typically the host personally interacts with guests in order to better acquaint the guests with the community, and provides hospitality such as that being afforded any house guest.

BENCHMARK

An identifiable definite point of known elevation and location and of more or less permanent character on M.S.G.S. Datum.

BILLBOARD

Any structure, or portion thereof, not exceeding six hundred seventy two (672) square feet upon which an advertisement is placed, painted, or printed, advertising a person, thing, product, or service not located or sold on the property on which the sign is located, but not including official governmental notices.

BLACKSMITH SHOP

A workshop with a furnace where metal is heated and wrought, where wrought iron is produced,

where iron is made malleable, and/or where metal is formed by heating and hammering.

BLOCK

A piece or parcel of land entirely surrounded by public or private highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Director of the Division of Planning and Zoning shall determine the outline of the block.

BOARDING HOUSE OR LODGING HOUSE

A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for three (3) or more persons for compensation, pursuant to previous arrangements, but not for the traveling public or transients.

BOARD OF ZONING ADJUSTMENT (BZA)

A body of persons which may determine and vary the regulations contained within the ordinance in accordance with the provisions within Part 7, Sections 405.590 et seq.

BOAT

A water vessel propelled by oars, paddles, sail or power.

BOAT BROKERAGE

An agent who negotiates contracts of purchase and sale of boats.

BODY PIERCING

Any method of piercing the skin or mucosa in order to place any object including, but not limited to, rings, studs, bars or other forms of jewelry through the skin or mucosa. Chapter 645 expressly excludes ear piercing, as defined in Section 645.080(B), as a body piercing procedure.

BREWERY

An industrial use that brews ales, beers, meads and/or similar beverages for sale and consumption off premises.

BREWHOUSE

One (1) or more buildings, structures and open spaces utilized for brewing of beer, or cider and/or distilling of spirits for both on-site and off-site sale and consumption, with or without subsidiary accessory uses including but not limited to the preparation of food, sale and service of prepared food indoors and outdoors, conducting of weddings and/or wedding receptions or other private parties, and tours of the brewhouse.

BROADCAST FACILITY

A facility that generally consists of an equipment building and a guyed or self-support tower, typically constructed of lattice or tubular steel that supports AM/FM radio and/or VHF or UHF television antennas. The antenna weight ranges from three thousand (3,000) to ten thousand (10,000) pounds. With the exception of AM, these towers are usually located on high ground, as the technology requires "line of sight" between the transmitter and the signal receivers. The facility transmits power levels, measured at the antenna as effective radiated power (ERP), that typically exceed fifty thousand (50,000) watts and may reach five million (5,000,000) watts.

BUILDING

An enclosed structure, anchored to permanent foundation, having exterior or party walls and a

roof, designed for the shelter of persons, animals, or property.

BUILDING LINE, FRONT

A line which establishes the required front yard and is generally parallel with the front property line.

CABIN

A building used primarily as weekend or short-term living quarters by persons partaking of recreational activities in the general vicinity. The same regulations shall apply to cabins as apply to dwellings, except when specifically excluded.

CALIPER

The diameter of a trunk six (6) inches above grade.

CAMPGROUNDS

Land used or intended to be used, let, or rented for temporary occupancy for recreational purposes by one (1) or more persons for camping.

CANOPY

A roof-like cover having no supporting walls, but supported otherwise from the ground, deck, floor, or walls of the building.

CENTRALIZED YARD WASTE COMPOSTING FACILITY

A commercial facility where yard waste is accepted from the public for composting. Composting is an aerobic (oxygen-dependent) degradation process by which organic wastes decompose under controlled conditions. Yard waste shall be defined as leaves, grass clippings, yard and garden vegetation, Christmas trees, shrubs, vegetable and flower garden waste, and brush, produced as a result of lawn and garden care and maintenance.

CHANNEL

A natural or artificial watercourse of perceptible extent, with definite beds and banks to confine and conduct continuously or periodically flowing water. Channel flow, thus, is that water which flows within the limits of a defined channel.

CHURCH

A building principally used for religious purposes, which shall include, but not be limited to, rectories, parish houses, convents, monasteries, temples, and synagogues.

CLEAN FILL

Uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinder blocks, brick, minimal amounts of wood and metal, and inert solids as approved by rule or policy of the Missouri Department of Natural Resources for fill, reclamation, or other beneficial use. This definition does not include the use of clean fill for raising any residentially zoned property above the existing grade unless the purpose of the clean fill is to raise the first (1st) floor of a structure one (1) foot above the 100-year floodplain. The exclusion of clean fill in residentially zoned subdivisions above the existing grade would only be applicable after the completion of an interim grading and sediment and erosion control plan by the developer.

CLEARING

Any activity that removes, cuts down or covers up vegetative cover of land.

CLINIC

An establishment where patients are not lodged overnight, but are admitted for examination and treatment.

CLUB (private)

A building or portion of a building intended to be used as a center of informal association for a selective membership not open to the general public. The building could be used by persons for recreational and eating purposes, but not for dwelling purposes other than managerial or transient lodging.

CLUSTER DEVELOPMENT

A residential use that divides land into not more than the number of lots permissible in a conventional subdivision of the same property in the same zoning district, but where the lot areas are reduced in order to gain common open space and reductions in other lot requirements may be considered. Residential units may be single-family or attached single-family, however, units platted through this procedure must all have ground floor living space and not stacked vertically on top of another unit.

COLLECTOR

See STREET, COLLECTOR.

COMMERCIAL VEHICLE

A vehicle, truck or bus designed to carry passengers, freight and/or merchandise with one (1) or more of these characteristics:

1. Licensed by a State as a commercial vehicle;
2. Exceeds twenty-four (24) feet in length;

3. Conveys a commercial message; or
4. Has materials stored on the vehicle's exterior such as ladder, tools, etc.

COMMISSION

The Planning and Zoning Commission of St. Charles County.

COMMON GROUND

That land set aside for open space or recreational use for the owners of the residential lots in a subdivision, which land is conveyed by the developer to trustees whose trust indenture shall provide that said common ground be used for the sole benefit, use, and enjoyment of the lot owners present and future. No lot owner shall have the right to convey interest in the common ground, except as an incident of the ownership of a regularly platted lot.

COMMUNITY

Any State or area, or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

COMPOSTING FACILITY

See CENTRALIZED YARD WASTE COMPOSTING FACILITY.

CONDITIONAL USE

A use allowed in a zoning district after a permit is granted, in accordance with the provisions within Part 4 of Chapter 405, Sections 405.510, et seq.

CONDOMINIUM

A form of ownership in which the interior space of a living unit is held by an individual owner, with

all individual owners sharing in the ownership of common areas.

CONFERENCE/EVENTS/LODGING CENTER

A facility with meeting rooms and places for conferences, meetings, weddings and other public assemblies, which may include a hotel or motel to accommodate either persons attending such public assemblies or travelers.

CONIFEROUS TREES

Trees at least ten (10) feet tall at maturity, which usually have green foliage throughout all seasons of the year in Missouri.

CONCEPT PLAN

A drawing or plan illustrating the intended use of the property, and any proposed improvements, prepared in accordance with the requirements in Section 405.523 of the Unified Development Ordinance.

CONSTRUCTION, EXISTING (for the purpose of determining rates)

Structures for which the "start of construction" commenced before September 15, 1978. "Existing construction" may also be referred to as "existing structures." This term applies to the "FW", "FF", and "DF" Overlay Districts.

CONSTRUCTION, NEW

New construction means those structures where new construction or substantial improvement which commenced after September 15, 1978, the effective date of the Flood Insurance Rate Map. This term applies to the FW, FF, and DF Overlay Districts.

CONSTRUCTION PLANS

Complete construction drawings of a facility or improvement, including, but not limited to, road plans and profiles, drainage plans, and utility plans (see *Improvement Plans*).

CONSTRUCTION, START OF

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first (1st) placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured or mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first (1st) alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. This term applies to the "FW" and "FF" Overlay Districts.

COUNTY

St. Charles County, Missouri.

COUNTY COUNCIL

The body established by Article II of the St. Charles County Charter (1992) as the legislative branch of the government of St. Charles County.

COUNTY ENGINEER

The office established by Article IV, Section 4.700 et seq., of the St. Charles County Charter.

COUNTY EXECUTIVE

The office established by Article III of the St. Charles County Charter (1992) to hold executive power of St. Charles County.

CO-USE

The location of two (2) or more telecommunication antenna or devices (providers) on a single telecommunication tower.

DAYCARE CENTER

A building used for the supervision and care of more than four (4) preschool children, other than those of the operator.

DEBRIS OR SEDIMENT BASIN

A barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel, silt, or other materials.

DENSITY

The number of dwelling units developed on one (1) acre of land.

DENSITY FLOODWAY

The adjacent portion of the floodway of the Missouri and Mississippi Rivers, as depicted on the Flood Insurance Rate Map, which permits island development on eighteen percent (18%) of a

lot/parcel in the floodplain without cumulatively increasing the water surface elevation by more than one (1) foot.

DESIGN CRITERIA FOR THE PREPARATION OF IMPROVEMENT PLANS

St. Charles County's "Design Criteria for the Preparation of Improvement Plans" last published February 2002, as amended thereafter in the most recent update dated January 2021, and as amended hereinafter from time to time.

DETENTION BASIN

A man-made or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials.

DEVELOPMENT SITE

A site in which one (1) or more lots, tracts or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units or structures included on a single site plan, conceptual site plan or preliminary plat.

DIRECTOR OF COMMUNITY DEVELOPMENT

The County officer responsible for the administration of the Department of Community Development pursuant to Chapter 132, Ordinances of St. Charles County, Missouri, who shall possess all other powers previously vested by order or ordinance in the former, and now abolished, Departments of Planning and Building and in the Plan Review and Neighborhood Improvement District functions of the County Highway Department.

DIRECTOR OF THE DIVISION OF BUILDING AND CODE ENFORCEMENT

The County officer appointed pursuant to Chapter 132 to direct the work of the Division of Building and Code Enforcement of the Department of Community Development and to enforce the provisions of this Chapter and Chapter 410.

DIRECTOR OF THE DIVISION OF DEVELOPMENT REVIEW

The County officer appointed pursuant to Chapter 132 to direct the work of the Division of Development Review of the Department of Community Development and to perform the functions assigned to the Division's Director by Chapter 132, this Chapter and Chapters 410 and 412.

DIRECTOR OF THE DIVISION OF PLANNING AND ZONING

The County officer appointed pursuant to Chapter 132 to direct the work of Division of Planning and Zoning of the Department of

Community Development and to enforce the provisions of this Chapter and Chapter 410.

DISTRICT

A part of the unincorporated portion of the County wherein regulations of this Chapter or Chapter 410 are uniform.

DIVERSION

A channel with or without a supporting ridge on the lower side constructed across or at the bottom of a slope.

DRIP LINE

The outermost perimeter of the crown of a plant as projected vertically to the ground.

DRY-FLOODPROOF

To protect against flood-damage as provided in 44 C.F.R. Sections 60.3(c) and 78.12(e).

DUPLEX

See DWELLING, TWO-FAMILY.

DWELLING

A building, or portion thereof, designed and used exclusively for residential occupancy.

DWELLING, MULTIPLE

A building, or portion thereof, arranged, intended or designed for occupancy by three (3) or more families, including apartment houses, row houses, tenements, and apartment hotels.

DWELLING, ONE-FAMILY

A detached building arranged, intended, or designed for occupancy by one (1) family.

DWELLING, TWO-FAMILY

A building designed exclusively for occupancy by two (2) families living independently of each other, including a duplex (one (1) dwelling unit above the

other), or a semi-detached dwelling (one (1) dwelling unit beside the other).

EASEMENT

The right to use another person's property, but only for a limited and specifically named purpose.

EASEMENT OF ACCESS

A grant by a property owner to the public, a corporation, or a person for ingress and egress purposes only.

ENGINEER

A registered professional engineer licensed by the State of Missouri.

EROSION

The wearing away of the land surface by the action of wind, water, or gravity.

ESCORT

A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person or who agrees to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY

A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one (1) of its primary business purposes for a fee, tip or other consideration.

ESTABLISHMENT (SEXUALLY ORIENTED)

Any of the following:

1. The opening or commencement of any sexually oriented business as a new business;
2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

3. The additions of any sexually oriented business to any other existing sexually oriented business; or
4. The relocation of any sexually oriented business.

EXCAVATION OR CUT

The removal, stripping, or disturbance of soil, earth, sand, rock, gravel, or other similar substances from the ground.

EXEMPTED QUANTITY

For each hazardous substance, a weight less than the Final Reportable Quantity listed on the U.S. Environmental Protection Agency's List of Hazardous Substances, 40 CFR 302.4. For each extremely hazardous substance, a weight less than the Reportable Quantity listed on the U.S. Environmental Protection Agency's List of Extremely Hazardous Substances, 40 CFR 355, Appendix A. For any liquid petroleum product not listed as a hazardous or extremely hazardous substance, a quantity of sixty (60) gallons or less. Where regulated substances are dissolved in or mixed with other non-regulated substances, only the actual quantity of the regulated substance present shall be used to determine compliance with the provisions of this Chapter. The exempted quantity shall be measured as the total quantity of that substance per facility at any one time.

EXISTING CONSTRUCTION

See CONSTRUCTION, EXISTING.

EXISTING GRADE

The vertical location of the existing ground surface prior to excavation or filling.

EXTREMELY HAZARDOUS SUBSTANCE

See REGULATED SUBSTANCE.

FAMILY

One (1) or more persons who are related by blood, marriage or adoption, living together and occupying a single housekeeping unit.

FARM

A parcel of land used for growing or raising agricultural products, including related structures thereon.

FARM STAND

A temporary structure and/or land area not to exceed a gross floor and/or ground area of five hundred (500) square feet from which agricultural products produced on the premises are sold to the general public.

FARM STAND, COMMERCIAL

A structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the premises and may be augmented by imported products of the same type. The accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods and homemade handicrafts may also be considered. The floor area devoted to the sales of these accessory items shall not exceed fifty percent (50%) of the total sales area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold at a commercial farm stand.

FEMA

Federal Emergency Management Agency.

FENCES

An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees or other natural growth.

FILL OR FILLING

The placing of any soil, earth, sand, rock, gravel, or other substance on the ground.

FINAL PLAT

See PLAT, FINAL.

FINISHED GRADE

The final grade or elevation of the ground surface conforming to the proposed design.

FLOOD OR FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland and/or;
2. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)

An official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

FLOOD ELEVATION DETERMINATIONS

A determination by the Federal Insurance Administrator of the water surface elevations of the

base flood: that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

FLOOD ELEVATION STUDY

An examination, evaluation, and determination of flood hazards.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS)

An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOOD PROOFING

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOOD PROTECTION SYSTEM

Those physical structural works for which funds have been authorized, appropriated, and expended, and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depth of associated flooding. Such a system typically includes dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODPLAIN MANAGEMENT

The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plan, flood control works, and floodplain management regulations.

FLOODPLAIN OR FLOOD PRONE AREA

Any land area susceptible to being inundated by water from any source (see FLOOD OR FLOODING).

FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FLOODWAY FRINGE

That area of the floodplain, outside of the floodway, that has a one percent (1%) chance of a flood of a 100-year magnitude in any one (1) year.

FLOOR AREA

The square feet of floor space within the outside line of walls and includes the total of all finished space on all floors of a building. It does not include porches, garages, or unfinished space in a basement.

FLOOR AREA RATIO

The ratio between the total square feet of floor area in a structure and the total square feet of land in the lot or tract on which the structure is located.

FREEBOARD

A factor of safety usually expressed in feet above a flood level for purposes of floodplain

management. "*Freeboard*" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

FRONTAGE

All property on one (1) side of a street or highway, measured along the right-of-way line of the street.

GARAGE, COMMUNITY

A building, or portion thereof, providing private parking of motor vehicles for persons residing on the premises.

GARAGE, PRIVATE

An accessory building for storage of private motor vehicles located on the same property as the residence.

GARDEN CENTER

A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels and other lawn and garden variety tools, lawn and garden supplies, water gardens, outdoor furniture, irrigation equipment, mulch and yard ornaments.

GENERAL SERVICE OR REPAIR

ESTABLISHMENT

Establishments primarily engaged in the provision of repair services to individuals and households,

rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops or repair of musical instruments but excludes those classified more specifically by definition.

GOVERNING BODY

The executive and/or legislative branches of St. Charles County government as defined and empowered by the County Charter.

GRADE

The slope of a surface measured by the change in vertical distance versus the change in horizontal distance and specified in percent, as a ratio, or in feet per feet, and shown on a surface profile plan as required herein.

GRADE LEVEL, FINISHED

The final elevation of the ground surface after development.

GRADE LEVEL, NATURAL

The elevation of the ground surface in its natural state, before man-made alterations.

GRADING

Any excavation or filling or land disturbance, or combination thereof.

GREENBELT

A visual barrier composed of evergreen plants, trees and grass arranged to form both a low-level and a high-level screen.

GREENHOUSES

A structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be

regulated for the cultivation of delicate or out-of-season plants. The term includes cold frame structures which are temporary in nature including inflatable structures.

GROUP HOME FACILITY

A non-medical facility providing shelter, counseling and, where necessary, other rehabilitative services, supervision or assistance to no more than eight (8) unrelated persons who, due to mental or physical disability, pregnancy or status as a minor who is unable to live with parents or guardians, reside together in a family-type environment as a single, housekeeping unit. Such a group home facility shall have the appearance of a conventional single-family residence with a single kitchen facility. Homes recognized as Oxford Homes shall be considered group homes. Excluded from the definition of group home facility are homes established for or occupied by residents who are permitted to live in "halfway houses" including residences in which the residents are criminal offenders in work-release sentence or on parole or probation, or persons who use or are addicted to a controlled substance. A group home facility shall be a permitted use only if it has received administrative approval from the Director of the Division of Planning and Zoning as set out in Section 405.078(8) and is operated in conformance with conditions and standards specified in that Subsection and all other applicable governmental regulations and requirements.

GUYED TOWER

A structure composed of three (3) or four (4) support legs, that is, "guyed" by wires to anchors in the ground placed at radial distances from the tower, and is used to support telecommunications equipment and antennas. Generally, heights range from sixty (60) feet to five hundred (500) feet. Guyed towers are less bulky than self-support towers at the same height, location and loads.

HALFWAY HOUSE

A facility in which persons reside together by reason of probation or parole from incarceration or by reason of the terms of a criminal conviction.

HANDICAPPED PARKING SPACE

A reserved surface area not less than thirteen (13) feet wide and identified by an above-grade sign designating the space for parking by the physically disabled.

HAZARDOUS SUBSTANCE

See REGULATED SUBSTANCE.

HEIGHT OF BUILDINGS

The vertical distance from the average grade of the front yard to the highest roof surface.

HIGH PRESSURE PIPELINE

A pipeline for the transmission of any substance, including, but not limited to, crude oil, highly volatile liquids (including anhydrous ammonia), petroleum products, carbon dioxide, jet fuel, natural gas or any other derivative product thereof, any of which products are under pressure of more than three hundred fifty (350) pounds per square inch and regulated by the United States Department of Transportation.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HIGHWAY

See ARTERIAL.

HISTORIC SITE

A structure or place of historical significance; may be designated as such by local, State or Federal Government.

HISTORIC STRUCTURE

Any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State Inventory of Historic Places in States with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a Local Inventory of Historic Places in communities with historic preservation programs that have been certified either (1) by an approved State program as determined by the Secretary of the Interior, or (2) directly by the Secretary of the Interior in States without approved programs.

HOME OCCUPATION

An occupation or profession carried on by one (1) or more members of the household, residing on the premises, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and which conforms to the standards and provisions contained within Part 3, Article IV, Section 405.495 of this Chapter.

HOSPITAL

A building used for the diagnosis, treatment, or other care of human ailments and having room facilities for overnight medical or psychiatric patients, a staff of physicians and nurses, and other related services.

HOTEL

A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, including related customary services and in which there are no provisions for cooking in individual rooms.

HOUSEHOLD

Any of the following groups of individuals provided the number of individuals in a home is further regulated by Title V Building and Construction of St. Charles County, Missouri:

1. Any number of persons related by blood, marriage or adoption, plus:
 - a. A domestic employee serving residents on the premises;
 - b. Children under the age of eighteen (18) who may not be related to any or all of

the other residents but who are under the guardianship or in foster care of an adult resident;

2. A group including not more than two (2) adults together with any number of children related by blood or legal adoption to at least one (1) of the adults; or
3. A group of not more than three (3) adults whether or not related to one another living together as a single housekeeping unit.

IMPROVEMENT PLANS

The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed both in or in conjunction with the proposed subdivision.

IMPROVEMENTS (LAND)

Refers to site grading, street pavement, monuments, sidewalks, water mains, sanitary sewers, storm sewers, street signs, and special structures, to be installed or agreed to be installed by the subdivider on land to be used for public streets.

IMPROVEMENTS (STRUCTURAL)

See ALTERATION.

INSTITUTION

A non-profit or quasi-public use, such as a church, library, public or private school, hospital, or municipally owned or operated building, structure, or land used for public purpose.

JUNK YARD

See SALVAGE YARD.

KENNEL

An establishment where dogs, cats, or other small animals are boarded for compensation, bred, or raised on a commercial scale.

LAND DISTURBANCE

Clearing or grading or any other action which results in removal, covering up or cutting down of the natural site vegetation and/or destruction of the root zone or otherwise results in leaving the ground surface exposed to soil erosion through the action of wind or water.

LAND SURVEYOR

A land surveyor registered in the State of Missouri.

LANDING FIELD

A facility for take-off and landing of aircraft, with or without services available for aircraft, which is operated for private use.

LANDSCAPE CONTRACTOR

A business principally engaged in the decorative and functional alteration, planting and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage systems) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground. Vehicles, equipment and materials used in the business may be stored on-site including rock, mulch, soil and some plant material which is not grown on the site. Retail and wholesale sales of products and services are not accomplished from the site.

LANDSCAPING

The development and decorative planting of gardens, grounds, or other natural landscapes.

LARGE TREES

Deciduous shade trees with a mature height of thirty (30) feet or greater and a mature spread of thirty (30) feet or greater.

LAWN CARE SERVICE

A business devoted to cutting grass on private or public property. Such service shall not include materials or equipment used for landscaping.

LIQUID PETROLEUM PRODUCT

See REGULATED SUBSTANCE.

LIVESTOCK

Animals kept or raised for use, pleasure, or profit; typically farm animals. Shall include, but not be limited to: cattle, horses, poultry, sheep, and swine.

LOADING SPACE

A space within the main building or on the same lot for standing, loading, or unloading trucks.

LOT

A parcel of land occupied or to be occupied by one (1) main building or unit group of buildings and the accessory buildings or uses customarily incidental thereto, including such open spaces as are required under this Chapter or Chapter 410, and having its principal frontage upon a public or private street.

LOT AREA

The total horizontal area within the boundaries of a lot, exclusive of any land designated for street or alley purposes.

LOT, CORNER

A lot abutting upon two (2) or more streets at their intersection. A corner lot shall be deemed to have a front yard setback for each street.

LOT, FLAG

A lot with access provided to the bulk of the lot by means of a narrow corridor. The bulk of the lot with the exception of the access area must meet the minimum lot width and area requirements for the district in which the lot is located.

LOT LINE, FRONT

The boundary line between a lot and the street right-of-way on which it borders.

LOT LINE, REAR

The boundary line which is opposite and most distant from the front street line, except that, in the case of uncertainty, the Director of the Division of Planning and Zoning shall determine the rear line.

LOT LINE, SIDE

Any lot boundary line not a front or rear line thereof.

LOT LINES

The lines bounding a lot as defined herein.

LOT OF RECORD

A lot or parcel of land, the plat or deed of which has been recorded in the office of the Recorder of Deeds of St. Charles County, Missouri, prior to the adoption of this ordinance.

LOT, THROUGH

An interior lot having frontage on two (2) streets. A through lot shall be deemed to have a front yard setback for each street.

LOT WIDTH

The horizontal distance between side lines, measured at the front building line.

LOWEST FLOOR

The lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this Chapter or Chapter 410.

MANUFACTURED HOME

A residential dwelling built after June 15, 1976, in accordance with the Federal Manufactured Home Construction and Safety Standards, which standards apply to homes to be constructed on a non-removable steel chassis.

MANUFACTURED/MOBILE HOME PARK SUBDIVISION, EXISTING

Any area, tract, or site of land zoned "RM", Mobile Home District, whereupon manufactured or mobile homes, as defined within the ordinance, are placed or located on individual lots, and intended to be used, let, leased, or rented, for dwelling purposes.

MANUFACTURED HOME SUBDIVISIONS

A subdivision designed and/or intended for the sale of all lots for sitting manufactured and/or modular structures.

MARINA

A dock or basin providing secure moorings for motorboats and yachts and often offering supply, repair and other facilities.

MARKET VALUE OR FAIR MARKET VALUE

An estimate of what is fair, economic, just, and equitable value under normal local market conditions.

MASSAGE PARLOR

A commercial establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the State. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

MASTER PLAN

The long-range plan for the County intended to guide the future growth and development of the area. Includes analysis, recommendations, and goals and objectives for the community's population, economy, housing, transportation, community facilities, and land use.

MEAN SEA LEVEL

For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical

Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

MICROBREWERY

A restaurant that prepares handcrafted natural beer as an accessory use for consumption on the premises. Such accessory use may occupy up to thirty percent (30%) of the gross floor area of the restaurant.

MINING

The extraction of minerals including: solids such as coals and ores, liquids, such as crude petroleum, and gases, such as natural gases. The term also includes quarrying, milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the mine site or as a part of mining activity.

MOBILE HOME

A residential dwelling unit that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, built prior to enactment of the Federal Manufactured Home Construction and Safety Standards. Such structure has a chassis, axles and a hitch which are part of the structure and which may reasonably be equipped with wheels for transporting the structure from place to place. (Does not include recreational vehicles or travel trailers.)

MODULAR STRUCTURE

A factory fabricated building unit, exclusive of manufactured homes and mobile homes, designed to be incorporated with one (1) or more similar units at a building site into a modular structure to

be used for residential purposes. Such a modular unit is delivered with a seal issued by the Missouri Public Service Commission certifying the unit as a modular structure and also with a purchaser's certificate of compliance certifying that the unit as a modular structure has been constructed to applicable standards by the Missouri Public Service Commission for modular units.

MONOPOLE

A structure composed of a single spire used to support telecommunications equipment and antennas. Generally, constructed of steel and at heights typically ranging from twenty (25) to one hundred twenty-five (125) feet. The structure is usually circular in sections, with base diameters increasing with height and loads from about twenty-four (24) to about forty-eight (48) inches.

MOTEL

Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot, and designed, used, or intended wholly or in part for the accommodation of automobile transients.

NATIVE VEGETATION

Plant life or total plant cover indigenous to the surrounding area.

NATURAL WATERCOURSE

A channel formed in the existing surface topography of the earth prior to changes made by unnatural conditions.

NEW CONSTRUCTION

See CONSTRUCTION, NEW.

NEW MANUFACTURED HOME PARK OR
SUBDIVISION

See MANUFACTURED HOME
SUBDIVISIONS.

NIGHTCLUB

A commercial establishment dispensing alcoholic beverages for consumption on the premises and where a dance floor or entertainment is provided.

NON-CONFORMING USE

The lawful use of land or a building, or a portion thereof, which use does not conform with the use regulations of the district in which it is located and which use existed at the time of the adoption of this ordinance.

NURSERY

An enterprise that conducts the retail and/or wholesale sales of trees, shrubs, flowers and grasses grown on or off the premises for transplanting as well as accessory items. Accessory products for sale may include, but are not limited to, fertilizers, mulch, edging material, top soil. Services associated with the nursery include landscape design and installation of materials sold from the nursery.

NURSERY, DAY

See DAYCARE CENTER.

NURSERY SCHOOL

See PRESCHOOL.

NURSING HOME (CONVALESCENT CARE
FACILITY)

Any premises which provides twenty-four (24) hour accommodation, board, personal care, and nursing care or skilled nursing care services under the daily supervision of a licensed nurse or registered professional nurse and under the direction of a licensed physician to the aged or infirmed; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

OFF-PREMISE SIGN

See BILLBOARD.

ON-PREMISE SIGN

See SIGN (ON-PREMISE).

100-YEAR FLOOD

The base flood having a one percent (1%) chance of annual occurrence.

OPEN CHANNEL

A constructed ditch or channel designed for water flow.

OPEN SPACE

Area within a development which can be graded, landscaped or left in its natural state and is intended to be maintained for active or passive recreational use. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways, parking areas, required landscaped areas and required setbacks shall not constitute open space.

OPEN STORAGE

Storage of material or goods on the ground outside a building.

OVERLAY DISTRICT

A district which acts in conjunction with the underlying zoning district or districts. The original underlying zoning district designation does not change.

PARCEL OF LAND

A separately designated area of land delineated by identifiable legally recorded boundary lines.

PARKING SPACE

A surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile, and not less than nine (9) feet wide and nineteen (19) feet long, together with a parking aisle or driveway connecting the parking space with a street, road, or alley, and permitting ingress and egress for automobiles.

PASSENGER CAR

A motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons; except that, the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles, ATV's, recreational vehicles and trucks that meet the definition of a commercial vehicle.

PERFORMANCE GUARANTEE

Escrow agreement, lender's agreement, certified check or standby letter of credit as required by Chapter 410 or 412 and authorized by ordinance to secure installation of improvements or erosion and sediment controls.

PERMEABILITY TEST

A test designed to determine the ability of ground to absorb water, and used to determine the

suitability of a soil for drainage or for the use of a septic system.

PERSON

An individual, proprietorship, partnership, corporation, association, or other legal entity.

PERSONAL SERVICE ESTABLISHMENT

An establishment which offers specialized goods or services purchased frequently by the consumer. Included are barbershops, beauty shops, massage facilities, chiropractic clinics, garment repair, laundry cleaning, pressing, dyeing, tailoring, shoe repair, and other similar establishments.

PET

A domesticated animal kept for pleasure rather than utility. Small animals including fish or fowl permitted in the house or yard and are customarily kept for personal use or enjoyment within the home. Shall include but not be limited to: dogs, cats, rabbits, small mammals, common aquarium animals, fish, domestic tropical birds (i.e. canaries, parrots, parakeets), rodents and animals which may be classified as "domestic other" (not defined as exotic or wild animals). The number of particular type of pet may be further regulated under Exhibit 1, Permitted Animal Regulations.

PET, DOMESTIC OTHER

An animal that may be considered appropriate as a pet which is not classified as an exotic or wild animal. The animal is kept for personal use and is customarily kept within the home. This classification may include such animals as pot bellied pigs, ferrets, or other animals that may be

allowed as pets by the County Community Health and the Environment Director.

PLANNED DEVELOPMENT DISTRICT

A planned development district is a comprehensively planned development containing residential, commercial, industrial, and/or other land uses on an area of land in single, partnership, or corporate ownership, and under unified control.

PLANNED UNIT DEVELOPMENT (PUD)

A single parcel or contiguous parcels of land intended to be developed in accordance with an overall design plan (preliminary development plat), which may or may not have a mixture of land uses.

PLANNING AND ZONING COMMISSION

St. Charles County Planning and Zoning Commission.

PLAT

A map, plan, or layout of a subdivision indicating to scale the location and boundaries of individual properties.

PLAT, BOUNDARY ADJUSTMENT

A plat which depicts a change in a recorded subdivision that affects any lot line, provided that no new lot or illegal zoning lot is created.

PLAT, FINAL

A map of land subdivision prepared in form suitable for filing of record with necessary affidavits, dedications, and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas, and other dimensions of land.

PLAT, PRELIMINARY

Preliminary engineering maps, drawings, or charts, and supportive material indicating the proposed layout of the subdivision.

PLAT, RESUBDIVISION

A final plat which depicts a change in a recorded final subdivision plat that affects any street layout, easement of access, right-of-way, design concept, or creates a new lot, provided that no illegal zoning is created.

POLITICAL SIGN

A sign identifying and urging voter support for a particular election issue, political party or candidate for public office.

PRESCHOOL

A pre-kindergarten school for children, primarily between the ages of three (3) and five (5).

PUBLIC HEARING

A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

QUARRY

A place where rock, ore, stone, and similar materials are excavated for sale or off-tract use.

RECREATION, COMMERCIAL OUTDOOR

Predominantly participant recreational uses conducted in the open or partially enclosed facilities. Typical uses include swimming pools, tennis courts, racquetball courts, athletic fields, archery ranges and shooting ranges. Enclosed facilities providing accessory functions including concessions, locker rooms, restrooms and indoor space for those activities that are provided outdoors

shall be permitted. The total area of the enclosed structures shall not exceed three percent (3%) of the total site area.

RECREATION, COMMERCIAL INDOOR

A commercial recreational use conducted entirely within a building, including arcade, arena, athletic clubs, fitness and health clubs, auditorium, bowling alley, gymnasium, billiard hall, skating rink, swimming pool, basketball, soccer, volleyball, racquetball, handball, tennis court.

RECREATIONAL EQUIPMENT

Any recreational vehicle, motorized off-road vehicle, any watercraft regardless of propulsion, or any trailer designed or customarily used to transport such off-road vehicle or watercraft. See also RECREATIONAL VEHICLE.

RECREATIONAL USES

Uses for the conduct of sports, leisure-time activities, and other customary and usual recreational activities.

RECREATIONAL VEHICLE

A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less, when measured at the largest horizontal projection;
3. Designed to be self-propelled or towable by a vehicle; and
4. Designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use, but not for use as a permanent dwelling.

RECYCLING CENTER

A facility at which recyclable and recoverable material already separated from the waste stream is deposited, collected, and prepared for shipment elsewhere. Treatment of the collected material is limited to that which is necessary to prepare it for shipment, such as dismantling, crushing, shredding, and compacting. No manufacturing or conversion of the material into another product is allowed at a recycling center.

RECYCLING COLLECTION FACILITY

A collection or drop-off facility designed to allow turn-in of recyclable or reusable materials. Such a facility may utilize outdoor collection receptacles, such as bins, boxes, cans, kiosks, and igloos, as well as collection vans and trailers. A recycling collection facility must be maintained free of litter, and all collected material must be secure from unauthorized removal. A recycling collection facility may not process or treat the collected material other than ordinary sorting, baling, and similar preparation for shipment elsewhere. The total area utilized by a recycling collection facility shall not exceed five hundred (500) square feet.

REGULATED SUBSTANCE

Any hazardous substances, extremely hazardous substances, or liquid petroleum products which are more particularly defined as follows:

1. *Extremely hazardous substance.* Any substance so designated by the U.S. Environmental Protection Agency on their official "List of Extremely Hazardous Substances", 40 CFR 355 Appendix A, as

last amended, and which is either a solid (including granular and gel) or liquid at room temperature.

2. *Hazardous substance.* Any substance so designated by the U.S. Environmental Protection Agency on their official "List of Hazardous Substances", 40 CFR 302.4, as last amended, and which is either a solid (including granular and gel) or liquid at room temperature.
3. *Liquid petroleum product.* Any flammable liquid hydrocarbon product refined from bituminous materials, including but not limited to gasoline, diesel fuel, benzene, toluene, lubricants for internal combustion engines, home heating oil, kerosene, creosote, coal oil, and naphtha.

REGULATORY FLOOD ELEVATION

Elevation indicated on the Flood Insurance Rate Map as the elevation of the 100-year flood.

REGULATORY FLOOD PROTECTION ELEVATION

An elevation one (1) foot above the regulatory flood elevation.

RESIDENCE

Any single or multi-family living space containing kitchen and bathroom facilities and which is used, or intended by design to be used, by one (1) or more persons as a place of occupancy.

RESIDENTIAL STRUCTURE, PRIMARY

The main residential structure on the property which has kitchen and bedroom facilities, not including any detached buildings.

RESOURCE RECOVERY FACILITY

A facility at which recyclable and recoverable material is separated and removed from the waste stream for reuse or remanufacture. Once removed from the waste stream, the material is processed for shipment elsewhere. Said processing may include shredding, crushing, baling, grinding, and compacting, as well as manufacturing or converting the material into another product.

RESTAURANT

An establishment where food and drink are prepared, served, and consumed by persons seated within the building (this includes cafes, cafeterias, ice cream parlors, and tea rooms).

RESTAURANT, FAST-FOOD

Restaurants where customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed.

RETENTION BASIN

A pond, lake or basin used for the permanent storage of water runoff without release except by means of evaporation, infiltration or emergency by-pass.

RIGHT-OF-WAY

A dedication of land to be used generally for streets, alleys, or other public uses, wherein the owner gives up owner's rights to the property as long as it is being used for the dedicated purpose.

Right-of-way is also a land measurement term meaning the distance between lot property lines which generally contains not only the street pavement, but also the sidewalks, grass area, underground utilities, and sometimes above ground utilities.

RIVERBOAT GAMBLING VESSEL

A boat or ferry, whether floating or permanently docked, licensed by the Missouri Gaming Commission, on which gambling activities are allowed.

ROAD BED

The entire improved portion of the street, including shoulders, parking lanes, travel ways, curbs, and gutters which lie between the right-of-way lines.

RURAL RECREATIONAL ACTIVITY

A permanent or seasonal commercial activity drawing clients or customers to a rural property either for such recreational purposes as picking produce for purchase (pick-your-own apple orchards or pumpkin farms, for example), visiting pumpkin patches or corn mazes or petting farms, taking sleigh or hay-wagon rides.

SALVAGE YARD

A parcel of land on which waste material, dismantled or inoperative vehicles, equipment, and other machinery is collected, stored, salvaged, or sold.

SANITARY LANDFILL

Land used or intended to be used, let, leased, rented, or sold for occupancy by the establishment of a landfilling method of disposing of garbage,

rubbish, and ashes on land without nuisance, fire, or public health hazard.

SEDIMENT

Solid material, mineral or organic, that has been moved by erosion and deposited in a location other than the point of origin.

SEMI-PUBLIC

A private non-profit organization open to some persons outside the regular constituency (i.e., American Legion and VFW).

SETBACK, FRONT

The distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps.

SETBACK LINE

The line parallel to the front, side, or rear lot line establishing the minimum space to be provided as the front, street, or shoreline of a lake or a river.

SETBACK, SIDE/REAR

The distance between the property line and the building or any projection thereof.

SEXUAL ENCOUNTER ESTABLISHMENT

A commercial establishment other than a hotel, motel, or similar establishment offering public accommodations which, for any form of consideration, provides a place where two (2) or more persons may congregate, associate, or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State engages in sexual therapy.

SEXUALLY ORIENTED BUSINESS

An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, massage parlor or sexual encounter establishment.

SHRUBS

A low, woody plant, either evergreen or deciduous, with a mature height usually less than ten (10) feet, having several stems but no trunk.

SIGHT TRIANGLE

A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGN (OFF-PREMISE)

See BILLBOARD.

SIGN (ON-PREMISE)

Any words, numerals, figures, devices, designs, or trademarks by which information is made known concerning the existence of a commercial enterprise, service, or other activity conducted, sold, or offered on the premises on which the sign is erected.

SITE

A lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

SITE DEVELOPMENT

Altering terrain and/or vegetation and constructing improvements.

SITE PLAN

A drawing or plan illustrating a proposed development and prepared in accordance with the regulations outlined in the various Sections of the ordinance, with special reference to Part 4, Section 405.525, Site Plan Review.

SKEET/TRAP SHOOTING CLUB

A facility for the shooting of clay pigeons. The clay targets are sprung from a trap away from the shooter, or are thrown in such a way as to simulate the angles of the flight of birds.

SMALL TREES/LARGE SHRUBS

Deciduous trees or shrubs with a mature height of ten (10) to thirty (30) feet.

SPECIFIED ANATOMICAL AREAS

Any of the following:

1. Bare human male or female genitals, buttocks, anus or pubic area with less than full opaque clothing covering;
2. The female breast below a horizontal line across the top of the areola, or a simulation thereof, at its highest point with less than fully opaque clothing covering. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, shirt, leotard, bathing or swimsuit, or other wearing apparel, provided the areola is not exposed in whole or in part; or

3. The covered male genitals in a discernibly turgid state.

SPECIFIED SEXUAL ACTIVITIES

Any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
3. Excretory functions as part of or in connection with any the activities set forth in (1) through (2) above.

STABLE, BOARDING

A structure designed for the feeding, housing and exercising of horses not owned by the owner of the premises where the owners of the horses on the property train the horses and the horses are not utilized for remuneration or hire.

STABLE, PRIVATE

An accessory building for the keeping of horses, ponies, or mules owned by occupants of the premises, and not kept for remuneration, hire, or sale.

STABLE, RIDING

A facility used principally for pleasure riding, polo or driving of horses and ponies which may also include uses such as shows in riding arenas and the training, hire or sale of horses or ponies as additional uses to the principal use of the facility.

START OF CONSTRUCTION

See CONSTRUCTION, START OF.

STEALTH TELECOMMUNICATION TOWER

Any telecommunication tower that is integrated as an architectural feature of a structure so that the purpose of supporting antennas is not readily apparent to a casual observer.

STORM WATER MANAGEMENT FACILITY

A facility designed and installed to intercept, detain, retain, infiltrate, evaporate, transpire, filter, and/or convey surface storm water runoff, including but not limited to such facilities as detention basins, storm water harvesting facilities, rain gardens, bio-swales, bio-retention basins, engineered wetlands, sand and other proprietary filter systems, pervious pavement, etc., for the purposes of removing pollutants, reducing or controlling storm water volume and rate, maintaining pre-development hydrology, and/or flood control.

STREAM BANK, TOP OF EXISTING

The top of the natural incline bordering a natural watercourse.

STREET

A thoroughfare which affords principal means of access to property abutting thereon, and including all State and County highways.

STREET, COLLECTOR

Collector streets interconnect the major arterial system with local streets; provide internal circulation within residential, commercial, and industrial areas; provide access to abutting properties; and have a moderate volume and design capacity and travel speeds.

STREET, CUL-DE-SAC

A short, minor, local street, having only one (1) end for vehicular traffic, and the other permanently terminated by a turnaround for vehicles.

STREET, MINOR

Minor streets provide access to abutting properties, have relatively short travel distance, and have a low-volume design capacity and travel speeds.

STREET RIGHT-OF-WAY LINE

The line separating a lot, tract, or parcel of land from the contiguous right-of-way of a street.

STRUCTURAL ALTERATIONS

Any change which would prolong the life of the supporting member of a building or structure, such as bearing walls, columns, beams, or girder, not including openings in bearing walls permitted by other ordinances.

STRUCTURE

Anything erected, reconstructed, altered, repaired, relocated, or portable, the use of which requires a location on a parcel of land. It includes a movable structure: it is located on land which can be used for housing, business, commercial, industrial, agricultural, or office purposes, either temporarily or permanently.

SUBDIVIDER

Any person, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined herein.

SUBDIVISION

Shall, for the purpose of these regulations, be the division of a tract of land:

1. Into three (3) or more lots, tracts, sites or parcels, where each of which are less than ten (10) acres in area, providing that no illegal zoning lot is created; or
2. The division of a tract of land into any number of lots, tracts, sites or parcels of any size in which a public street is to be dedicated, reserved, platted, opened, or constructed, or the dedication or platting, or recording of any streets; or
3. The division of a tract of land into three (3) or more lots, tracts, sites or parcels which front on and utilize an easement of access.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL ENLARGEMENT OF SEXUALLY ORIENTED BUSINESS

An increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the date this Article takes effect.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications that have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure", or
3. An improvement that does not require a building permit under applicable codes enacted in Title V, Ordinances of St. Charles County, Missouri.

TATTOOING

Any method of placing ink or other pigment into or under the skin or mucosa by the use of needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing.

TATTOOING AND BODY PIERCING

The practice of physical body adornment by any method including, but not limited to, the following: body piercing, tattooing, cosmetic tattooing, branding and scarification. This definition does not include practices that are considered medical procedures by a State Medical Board, such as implants under the skin. This definition also does not include ear piercing as fully defined in Section 645.080(B).

TATTOOING AND BODY PIERCING ESTABLISHMENT

Any place of business which performs tattooing and body piercing.

TELECOMMUNICATION FACILITY

An unmanned facility consisting of equipment buildings, shelters or cabinets, accessory equipment, and an existing or new structure or tower to support antennas used for the reception, switching, and/or transmission of wireless communications, including, but not limited to, paging, enhanced specialized mobile radio (ESMR), Personal Communications Services (PCS), domestic public cellular radio telecommunications service (Traditional Cellular), and similar technologies.

TELECOMMUNICATION TOWER

A lattice-type, guyed or monopole structure that supports one (1) or more antennas.

TELECOMMUNICATION TOWER FARM

The placement of more than one (1) telecommunication tower on a lot.

TOWNHOUSE

A one (1) family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common fire-resistant walls.

TRAILERS

A vehicle standing on wheels, towed or hauled by another vehicle and used for carrying materials, goods or objects.

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS

Any of the following:

1. The sale, lease, or sublease of the business;
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
3. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

TRASH TRANSFER STATION

A facility at which municipal solid waste is unloaded from small collection vehicles and loaded onto a larger means of transport for hauling. A trash transfer station may or may not be operated in conjunction with a resource recovery facility.

TRAVEL TRAILERS

A vehicular portable structure designed as a temporary dwelling for travel, recreational, and vacation uses.

TRAVEL TRAILER PARK

A parcel of land under a single ownership that has been planned and improved for the placement of travel trailers and recreational vehicles.

TREE CANOPY

The area in square feet of a tree's spread. Existing tree canopy is determined by measuring the ground's surface area that is covered by the branch spread of a single tree. Ultimate tree canopy is determined by assigning the following values for planted trees: one thousand (1,000) square feet for a large deciduous tree, seven hundred (700) square feet for each medium deciduous tree or conifer and three hundred (300) square feet for each small flowering tree.

TREE PROTECTION AREA

All land within the canopy drip line of a tree.

TWINHOME

See DWELLING, TWO-FAMILY.

VARIANCE

Relief from or variation of the provisions of these regulations, other than use regulations, and as applied to a specific piece of property, as distinct from rezoning, as further set out hereinafter within Part 7 of this Chapter 405, Sections 405.590 et seq. Also, a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for

any varied use or structure and cannot be varied by the community.

VEGETATED BUFFER

Area of plant life or total plant cover established adjacent to and in order to protect a natural watercourse.

VEHICLE IMPOUND FACILITY

A parcel of land or a building that is used for the temporary storage of wrecked motor vehicles or vehicles towed due to a law enforcement directive. Vehicles stored at the facility are to be claimed by title holders or their agent. No vehicle shall remain on the property for a period to exceed ninety (90) days.

VILLA

Typically an attached row of houses. Two (2) or more single-family dwellings sharing common wall areas, each on its own individual lot with a front and rear yard.

VIOLATION

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this Chapter or Chapter 410 is presumed to be in violation until such time as that documentation is provided.

WAREHOUSE

A structure for use as a storage place for goods, materials, or merchandise.

WAREHOUSE, MINI

A building containing individual storage areas which may be rented or leased for a period of time.

WIND TURBINE

Any mechanism or device designed for the purpose of converting wind energy into electrical or mechanical power.

WIND TURBINE FARM

The use of more than one (1) wind turbine on a parcel that converts wind energy into electrical power for the primary purpose of resale.

WINERY

Any establishment that makes more than two hundred (200) gallons of wine annually, including grape crushing, fermenting, and bottling, with or without subsidiary accessory uses, including, but not limited to, the sale of wine and related products, public wine tasting, sale and service of food, and tours of the winery. Any such establishment shall have five (5) acres or more of wine grapes cultivated on the premises. All wine produced at the winery must be produced under a State of Missouri domestic winery license. At least fifty percent (50%) of the grapes used in the wine produced on site must be grown within St. Charles County.

WINERY FARMERS' MARKET

A facility accessory to and on the same tract of land as a duly permitted and functioning winery that is for the weekly sale by multiple vendors of produce and that may also be for the weekly sale by multiple vendors of other food and craft products

or for instruction or demonstration of cooking or farming skills.

WINERY LODGING

A hotel or motel that is accessory to and on the same tract of land as a duly permitted and functioning winery, that has no more than three (3) sleeping rooms for each five (5) acres of that tract of land, and that does not include a food establishment as defined and regulated by the St. Charles County Food Code, Chapter 230, Ordinances of St. Charles County, Missouri.

WOODLAND

Any tree canopy over five thousand (5,000) square feet having at least thirty percent (30%) of the trees with a caliper of at least two and one-half (2½) inches.

WOODLAND CANOPY

Ultimate woodland tree canopy is determined by assigning two hundred (200) square feet for each tree within a designated woodland.

YARD

An open space, other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Chapter or Chapter 410.

YARD, FRONT

A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

YARD, REAR

A yard between the rear lot line and the rear line of the main building and the side lot lines.

YARD, REQUIRED FRONT

A yard across the full width of the lot extending from the minimum front yard setback distance to the front line of the lot.

YARD, SIDE

A yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.

ZONING DISTRICT MAP

A series of maps of unincorporated St. Charles County with all notations, dimensions, references, and symbols shown thereon depicting the individual zoning districts in accordance with Section 405.065

Section 3. Section 405.525, OSCCMo. is hereby amended as follows (additions and updated information in **bold** type and deletions [~~bracketed and stricken~~):

Section 405.525 Site Plan Review.

- A. For the purpose of assuring compliance with the requirements of the applicable regulations, site plans shall be submitted and reviewed in accordance with the requirements of this Section.
- B. Before any building and land use permits can be issued for the new construction of or the addition to institutional, commercial, and industrial structures, a site plan must be furnished to the County Division of Planning and Zoning for review and approval by the Director of the Division of Planning and Zoning, the Director of the Division of Development Review, and, when

publicly maintained streets or storm sewers are involved, the County Engineer. A site plan will also be required when a structure is converted in use to an institutional, commercial, or industrial. Also, a site plan may be required by the Division of Planning and Zoning when the use of a site is being changed. The site plan in these cases will ensure that regulations are adhered to, based upon the new use (parking, loading, etc.). All site plans must bear the seal of a registered professional engineer and/or architect licensed by the State of Missouri, unless waived by the Director of Community Development.

C. *Filing A Site Plan.* When a site plan is first submitted, the Division of Planning and Zoning requires a digital plan or three (3) copies of the plan and a completed site plan application form. For the purpose of investigating a site plan and monitoring compliance with it, an applicant authorizes the Community Development Department's staff, or staff of other agencies at the Department's direction, to enter and inspect the subject property while work authorized by that permit is in progress. This authority shall cease upon completion of that work and closure of the permit.

D. Requirements for site plans are as follows:

1. Provide a title (always use the term "site plan").
2. Indicate the owner(s) of the property and depict the adjacent property owners.
3. Provide a site location map, a north arrow, and the scale to which the site plan is drawn.

4. Indicate the dimensions of all proposed buildings and depict all property boundary lines.
5. Indicate every type of business that will utilize the building(s) and/or site(s).
6. Indicate any existing and proposed road/street right-of-way lines and existing or proposed pavement within such right-of-way (note on the plan that all pavement within the road/street right-of-way will be constructed to St. Charles County public non-residential or arterial standards). Dedicated rights-of-way may be required for proposed sites that abut County roads or roads maintained by the Missouri Department of Transportation (MoDOT).
7. Indicate the front setback of all proposed buildings.
8. Indicate the pavement radii and width of all proposed entrances to or from the site(s).
9. Indicate the parking layout arrangement (i.e., the number and size of all off-street parking spaces and the width of all parking drives and aisles). Each parking space must have a minimum area of one hundred seventy-one (171) square feet (nine (9) feet by nineteen (19) feet). There shall also be provisions for handicapped parking, with each handicapped parking space having a minimum width of thirteen (13) feet (eight (8) foot stall with an adjoining five (5) foot access aisle, per ADA regulations). The parking surface must be constructed of an all-weather, dust-free

surface. If five (5) or more parking spaces are required under the applied regulations, the parking spaces must be paved and striped. See Part 3, Article II, Section 405.440 et seq., for further parking and loading requirements.

10. Indicate existing and proposed contour elevation lines at an interval no greater than five (5) feet and the first (1st) floor elevation of each building on U.S.G.S. datum. If the site is in the 100-year floodplain, the requirements of Part 2, Article XI, Section 405.245 et seq. must be adhered to.
11. Indicate a benchmark on U.S.G.S. Datum in areas where sanitary sewers are available.
12. Depict existing and proposed stormwater improvements and provide hydraulic data computations along with a drainage area map. This material must be sealed by a registered professional engineer, unless waived by the Director of Community Development.
 - a. The hydraulic design of storm sewer systems shall conform to Section 50.00 of St. Charles County's "Design Criteria for the Preparation of Improvement Plans" ~~as issued by the St. Charles County Highway Department in February 2002, or as amended thereafter~~.
 - b. [~~Stormwater~~—~~detention~~] **Post-construction** **Post-stormwater**

management shall be required in accordance with Section ~~[50.80]~~ **70** of St. Charles County's **Design Criteria for the Preparation of Improvement Plans** [~~"Design Criteria for the Preparation of Improvement Plans" as issued by the St. Charles County Highway Department in February 2002, or as amended thereafter~~].

- c. **Costs for all stormwater management facility improvements shall be included and released as part of the Performance Guarantee required under Section 412.080 of the Unified Development Ordinance and** ~~[Performance guarantees, ensuring or guaranteeing the installation of any detention facilities required for the site,]~~ must be posted with the St. Charles County Department of Community Development before site plan approval will be granted. ~~[The detention facilities' improvement costs must be included as part of the sediment and erosion control performance guarantee required by Chapter 412.]~~

- d. **Prior to the issuance of the letter closing the land disturbance permit and releasing the performance guarantee required under Section 412.080 of the Unified Development**

Ordinance, the property owner(s) of any stormwater management facility shall:

- (1) Execute a Development Restrictions and Maintenance Agreement to ensure that the facilities are preserved, maintained, and kept in working order to the satisfaction of the County and per Section 420.020 of the Unified Development Ordinance. An exhibit or legal description of the restricted area(s) and a maintenance plan and schedule shall be developed by the property owner(s) or developer(s), approved by the Director of the Division of Development Review, and made a part of the Development Restrictions and Maintenance Agreement. The agreement shall also provide for access to the property occupied by any stormwater management facilities to St. Charles County or its successors for the purpose of inspection and enforcement of all applicable regulations of such stormwater management**

facilities. The agreement shall be recorded and the cost of recording the document shall be paid by or recovered from the owner or developer of the site of the stormwater management facilities.

(2) Submit one (1) digital AutoCAD drawing file and one (1) digital file in “.pdf” format of "as-built" plans for all required stormwater management facilities. Stormwater management facilities shall be surveyed after the completion of construction to verify the elevations, dimensions, and locations of the facilities in relation to the approved design. Each set of "as-built" plans shall be certified and sealed by a professional engineer or land surveyor licensed in the State of Missouri.

e. Stormwater management facilities shall be maintained by the owner(s) of the property. Periodic maintenance shall be required of the facility owner(s) per the approved maintenance plan for the

development and Section 420.020 of the Unified Development Ordinance. No modifications shall be made to the facilities without approval from the Department of Community Development.

13. Indicate the method of or agencies responsible for sanitary sewage disposal and water service. Individual private sewage disposal systems will need to supply a plan, with the layout of the lateral system for the property, and a permeability test report as required by the County Division of Building and Code Enforcement.
14. Supply a Missouri Department of Transportation permit if any proposed entrances front on Missouri Department of Transportation-maintained road right-of-ways.
15. Indicate the zoning district for the site and the adjacent properties with their current jurisdiction.
16. A St. Charles County Highway Department special use permit must be obtained before any work is allowed to commence on the right-of-way of public roads under St. Charles County control or maintenance.
17. Indicate the location of the nearest fire hydrant on the site plan.

18. Depict on the plan the location of any ground sign. All ground signs must be a minimum of ten (10) feet from all property lines and a minimum of fifty (50) feet from the pavement of any intersection.
19. Obtain a land disturbance permit in accordance with Chapter 412 of the Unified Development Ordinance. In cases where the land disturbance is less than five thousand (5,000) square feet, indicate any sediment and erosion control measures needed for the site.
20. A parcel identification number should be noted on the site plan.
21. All applicable development shall meet the landscaping requirements embodied in Section 405.435 of the Unified Development Ordinance. Site plans for facilities for utilities (substations, water towers, microwave towers, sewage treatment plants, etc.) shall conform to landscaping requirements developed during planning staff review, and approved by the Director of the Division of Planning and Zoning.
22. Trash enclosures shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate, said fence and gate shall be constructed of

cedar, redwood, masonry or other compatible building material.

23. All site plans shall clearly show the boundaries of any setback from natural watercourses that are left in their natural state on the subject property and provide a note to reference the setback area stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by Section 405.5026 of the Unified Development Ordinance of St. Charles County."
24. All site plans shall clearly show the locations of all utilities (including pipelines) and easements of record for them, and with respect to high pressure pipelines shall designate all setbacks and restrictions imposed by Section 405.503, Regulations Concerning High Pressure Pipelines.
25. Submit a letter addressed to St. Charles County by the holder of any such easement, if it is for the purpose of accommodating one (1) or more high pressure pipeline(s), certifying the accuracy of its easement and the location of the utility's facility as depicted on the proposed site plan, and also certifying that the proposed development will not impair the utility's easement rights or compromise its facility. If such a letter cannot be supplied, submit a letter or affidavit

stating the date on which a copy of the site plan was mailed or delivered (as the case may be) to the easement holder or its representative, and stating the name and address of that easement holder or its representative.

26. Provide any additional information on the site plan as deemed necessary by the Director of the Division of Planning and Zoning, Director of the Division of Development Review and/or the County Engineer (i.e., traffic study).
 27. In approving site plans for public agencies, the Director of the Planning and Zoning Division shall have the power to approve minor variances to setbacks and parking requirements through his or her signature on the site plan.
- E. A site plan review fee as set by ordinance shall accompany a site plan submitted for review pursuant to this Section.
- F. *Construction Of Improvements Shown On Approved Site Plan.* If the owner or developer of property subject to an approved site plan begins construction of the improvements shown on it within eighteen (18) months of the site plan's approval, those improvements may be built in accordance with ordinances in force on the date of the site plan's approval. But if construction of those improvements begins later, those improvements

must be built in accordance with ordinances in force when construction starts. If, in such cases, newly enacted or amended ordinances require changes in site design, the Director of the Division of Planning and Zoning shall require submission of a revised site plan for the Division's review and approval as provided in this Section.

- G. Installation Of Improvements. All improvements required on a site plan approved pursuant to Section 405.525 of the Unified Development Ordinance must be completed prior to occupancy of the structure or the change of use on the site.

Section 4. Section 410.110, OSCCMo. is hereby amended as follows (additions and updated information in **bold** type and deletions [~~bracketed and stricken~~):

Section 410.110 Preliminary Plat Requirements.

- A. Fifteen (15) folded prints of the preliminary plat, a reduced copy of the plat sheet measuring eight and one-half (8.5) inches by eleven (11) inches or eleven (11) inches by seventeen (17) inches and a digital version shall be submitted to the Division of Planning and Zoning at least twenty-seven (27) days before the meeting at which approval is requested. All preliminary plats shall be prepared by a Missouri registered professional land surveyor and/or Missouri registered professional engineer and bear their signature and seal. At the discretion of the Director of the Division of Planning and Zoning, an aerial photo of suitable scale and vintage may be required. The photo shall have superimposed upon it the boundary of the property

in question and any other information as may be deemed necessary by the Director of the Division of Planning and Zoning. Prior to submittal of a preliminary plat, the applicant may submit to the planning staff a concept plan for initial review. For the purpose of investigating a preliminary plat an applicant authorizes the Community Development Department's staff, or staff of other agencies at the Department's direction, to enter and inspect the subject property while the plat is in the approval process. This authority shall cease upon completion of the plat review.

B. *Notification.* After receiving a preliminary plat, the Division of Planning and Zoning will give notice by U.S. mail to the adjacent property owners. Notice shall be given to the adjacent property owners at least fifteen (15) days prior to the Planning and Zoning Commission meeting that the preliminary plat will be presented.

C. *Preliminary Plat Information.* Preliminary plats shall include, at minimum, the following unless waived by the Director of Planning and Zoning:

1. *Identification.*

a. Proposed name of the subdivision.

b. Names, addresses, and telephone numbers of owners, developers, and the engineers, as well as the surveyors responsible for preparation.

c. North point, a scale of one (1) inch equals two hundred (200) feet or larger, and date.

- d. Approximate acreage in tract to one-tenth (1/10) of an acre.
- e. Location or key map.
- f. A statement to the effect that "this plat is not for record" shall be stamped or printed on all copies of the preliminary plat.

2. *Plat Information.*

- a. Location of boundary lines and their relation to established section lines, fractional section lines or U.S. survey lines.
- b. Physical features of property, including watercourses, ravines, ponds (standing water), existing and proposed bodies of water, levees or drainage area, forested areas (every effort must be made to preserve as many existing trees as possible), outcropping of rock, bridges, culverts, present structures, existing sidewalks, pipelines, overhead electric lines and off-street parking, if applicable, as well as all easements of record for pipelines, overhead electric lines and other utilities. Watercourses left in their natural state must be shown within common ground, with lot lines set back from the top of the existing stream bank, or from the 10-year, 24 hour or 15-year, 20 minute water surface elevation, where no established top-of-bank can be determined, for all

subdivisions except those with lots three (3) acres or larger in size, as provided by Part 3, Article VI of Chapter 405 of this Unified Development Ordinance. All plats shall clearly show the boundaries of any setback from natural watercourses on the subject property which are left in their natural state and provide a note to reference that setback area stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by Section 405.5026 of the Unified Development Ordinance of St. Charles County, Missouri".

- c. Indicate average lot size for the development.
- d. Topography of tract with contour interval of one (1), two (2), or five (5) feet on U.S.G.S. Datum.
- e. Names of adjacent subdivisions, including existing lot numbers and/or property lines and owners, around perimeter within one hundred (100) feet, showing existing streets, highways, etc.
- f. Location, width, and names of existing and proposed streets with right-of-way, pavements, roads, lot dimensions, sidewalks, setback lines, easements, parks, school sites, and other features of the proposed subdivision.

- g. Cul-de-sac islands and raised medians shall be included within right-of-way if that right-of-way is dedicated by plat to the public and if improvements within that right-of-way are to be maintained by the public, as provided in Section 410.210(C), below.
- h. Indicate the street dedication public or private.
- i. All approximate gradients of streets will be shown.
- j. Indicate the centerline curve radius on streets.
- k. Depict a standard County entrance configuration at the entrance(s) to the development.
- l. Depict any dedication strips along existing roadways.
- m. Designation of land use, whether for residential, commercial, industrial, or public use, and present zoning district.
- n. Designation of utilities to serve proposed subdivision.
- o. Designation of the school and fire district which serves the proposed subdivision.
- p. Location of [~~dry and/or wet detention areas~~] **stormwater management facilities** for stormwater runoff in common ground, with permanent feasible access provided for maintenance of same. The plat shall also dedicate to St. Charles County or

its successors in interest an easement of access to and in the common ground occupied by any [~~detention areas~~] **stormwater management facilities** for the purpose of inspection and enforcement of all applicable regulations of such [~~detention areas~~] **stormwater management facilities. Placement and preservation of facilities outside of common ground will be considered on a case-by-case basis and approved by the Director of Community Development. Justification must be provided for consideration.**

- q. Common ground acreage to nearest one-tenth (1/10) of an acre and designation of common ground.
- r. Depict floodway fringe, density floodway, and floodway boundaries, and provide base flood elevations as shown on Flood Insurance Rate Maps (FIRMS) issued by the Federal Emergency Management Agency (FEMA) and the maps presently filed in the office of the Division of Planning and Zoning. Any floodway areas or wetlands must be shown as common ground.
- s. Provide proposed development stormwater runoff factor.
- t. Other information, as may be required by the Director of the Division of

Planning and Zoning, to serve the intent and purpose of this Chapter.

- u. Depict the location of water lines for subdivisions with individual water treatment systems.
- v. Note on plat that all stub streets will likely be extended in the future development.

Section 5. Section 410.145, OSCCMo. is hereby amended as follows (additions and updated information in **bold** type and deletions [~~bracketed and stricken~~):

Section 410.145 Tree Preservation Program for St. Charles County.

- A. *Intent/Purpose.* The purpose of this Section is to promote the public health, safety, comfort and general welfare of St. Charles County residents by providing tree preservation standards. These standards are designed to enhance the quality and appearance of developed properties, protect existing natural resources, buffer differing land uses and conserve the value of land and buildings throughout St. Charles County. These standards will also increase energy efficiency through shading and cooling, filter air pollution, **filter and assist in the management of stormwater runoff**, buffer noise and wind and provide wildlife habitat as well as pleasant visual relief.

B. *Applicability.* These standards will apply to all new residential developments in unincorporated St. Charles County except the following:

1. Individual single-family residences, not in a proposed and/or existing subdivision;
2. Individual two-family residences, not in a proposed and/or existing subdivision;
3. Developments within the "A", "RM", "RF", "CO", "C1", "C2", "HTCD", "I1", "I2" or "SWD" zoning districts.

C. *Plan Requirements.*

1. All preliminary residential subdivision plats shall delineate the anticipated tree preservation plan. Tree preservation information supplied on the Preliminary Plat shall be as follows:
 - a. The approximate limit of all tree preservation areas.
 - b. Approximate areas where trees are to be removed.
 - c. Estimated acreage calculations for the preservation areas.
 - d. Aerial photo showing the area of trees as they existed three (3) years prior to submittal.

2. Final Tree Preservation Plan shall be included with the grading plans for a site and have the following:
 - a. Property boundary including north arrow and scale.
 - b. The proposed layout of all lots and public and private right-of-ways.
 - c. Existing and proposed topographic data for the site.
 - d. The location of all known existing utility easements.
 - e. The limits of all tree preservation areas to the edge of the canopy drip line.
 - ~~[f. A statement of intent by the property owner that all the County's tree preservation regulations shall be met within the required time frame and all material to be planted will be of sufficient size, condition and quality and maintained to meet the intent of the County's tree preservation regulations.]~~
3. The tree preservation limits as approved on the final tree preservation plan shall be depicted on the final plat. A note shall also be provided to reference any tree preservation areas stating: "There shall be no clearing, grading, filling, construction activities or disturbance in any tree preservation areas".

D. *Tree Preservation Requirements.*

1. Subject to paragraph (2), below, all developments shall meet a minimum tree preservation requirement of ten percent (10%) of the site or twenty-five percent (25%) of existing woodlands and trees as they existed three (3) years prior to submittal of the Preliminary Plat; whichever is greater. If the total area of trees on the site is equal to or less than ten percent (10%) of the total site area, fifty percent (50%) of the existing trees shall be retained. The preservation of existing trees must be depicted on the tree preservation plan. Existing woodlands and trees may be determined by using aerial photographs or field inventory. No credit will be given to a tree or any portion of a tree canopy that is not located on the subject property.
2. The Director of Community Development may waive all or part of the requirements imposed by paragraph 1, above, provided that:
 - a. ~~the~~ the Director or his designee, based on his physical inspection of the property to be developed, determines that strict compliance with those requirements would render the property undevelopable~~].~~.

b. ~~[The requirements for the replacement of destroyed trees imposed by Subsection (G) of this Section shall be met.]~~ **A replacement ratio of three (3) trees to each tree destroyed, damaged or removed is required to be planted in the development per the requirements of Subsections G and H. The final ten percent (10%) of the performance guarantee of the required erosion control plan will be held until all tree preservation requirements have been met.**

E. *Protective Methods.* To receive preservation credit, trees to be preserved must be protected from direct and indirect root damage and trunk and crown disturbance. No credit will be allowed for any dead tree, any tree in poor health or any tree subjected to grade alterations. The death of any tree used for preservation credit shall require the owner to replace the tree. The following standards shall apply:

1. The protection area around trees shall include all land within the canopy drip line. This area shall remain free of all grading and filling activities.
2. Construction site activities such as parking, material storage, soil stock piling and

concrete washout shall not be permitted within tree protection areas.

3. Tree protection areas should be clearly identified prior to any land disturbance. Methods that may be used include snow fence, polyethylene, chain link fence, or construction stakes placed every fifteen (15) feet, **or other measure as approved in writing by the Director of the Division of Development Review.**

4. Signs shall be used to designate tree protection areas. Signs are to be posted visibly on all sides of the preservation area and must be visible throughout the development process. Minimum size for the signs is twenty-four (24) inches by thirty-six (36) inches and should state the following "TREE PROTECTION AREA—Machinery access, dumping or storage of materials and equipment is prohibited."

F. *Enforcement and Penalties.* The Director of the Division of Planning and Zoning is hereby charged with the responsibility of administering and enforcing the provisions of the landscaping and tree preservation program. All violations are subject to penalties set forth in Sections 405.640 through 405.655, except that the Director of the Division of Planning and Zoning shall have the

discretion to allow more than ten (10) days for the correction of violations, taking into account such factors as:

1. The requirements of the grading project under review, and
2. The requirements for planting or transplanting trees and shrubs under the best practices of the landscaping or arborist profession. If required tree protection areas are disturbed during construction, a replacement ratio of three (3) trees to each tree destroyed, damaged or removed is required to be planted in the development. The final ten percent (10%) of the performance guarantee of the required erosion control plan will be held until all tree preservation requirements have been met.

G. *Materials.* A mixture of native, hardy deciduous, flowering and/or coniferous trees may be planted.

1. All deciduous trees planted to meet the requirements of this Section must be a minimum caliper of two and one-half (2½) inches at the time of installation.

2. All coniferous trees must be a minimum of six (6) feet in height at the time of installation.

H. *Installation and Maintenance.* All landscape materials must meet the following:

1. All trees must be in place and healthy prior to the issuance of any occupancy permit. Upon approval by the Director of the Division of Planning and Zoning, a temporary certificate may be issued without the installation, provided written assurances are given that the planting will take place when the proper season arrives.
2. New landscaping shall not be planted within any easement, right-of-way or sight triangle.
3. All trees shall have natural bark mulch placed around the base of the tree, at least four (4) inches deep and have at least an eighteen (18) inch radius from the trunk.
4. Newly planted trees shall be supported (staked and tied) through the first (1st) growing season to insure proper growth.
5. All landscaping within common ground areas must be maintained by the owner. The landscaping must be maintained in a healthy

growing condition as is appropriate for the season of the year. Plant materials, which exhibit damage, must be restored to healthy condition or replaced within the next growing season.

Section 6. Section 410.160, OSCCMo. is hereby amended as follows (additions and updated information in **bold** type and deletions [~~bracketed and stricken~~):

Section 410.160 Improvement Plans and Installation.

- A. After the preliminary plat is approved, improvement plans for all or any part of the subdivision shall be prepared by an engineer and submitted to the Director of the Division of Development Review for review and approval by the Director. If any changes are made to the streets, storm or sanitary sewers, [~~detention~~] **stormwater management** facilities, drainage areas, or any other significant changes after the improvement plans have been approved or the date the final plat was recorded, then revised plans must be submitted to the Director of the Division of Development Review for reapproval by the Director. All submittals of improvement plans and design calculations must bear the seal of the engineer.

- B. Improvement plans shall be prepared in accordance with St. Charles County's **Design Criteria for the Preparation of Improvement Plans** [~~"Design Criteria for the Preparation of Improvement Plans"~~

~~as issued by the St. Charles County Highway Department in February, 2002, or as amended thereafter].~~

- C. Installation of pavement and related paving improvements shall conform to the requirements set forth in St. Charles County's "Standard Specifications for [~~Highway~~] **Subdivision Street Construction**", **dated February 2014, or as amended thereafter**. Installation of storm sewers shall conform to the requirements set forth in the Metropolitan St. Louis Sewer District's "Standard Construction Specifications for Sewers and Drainage Facilities" dated [~~2000~~] **2009**.
- D. Actual construction of such facilities and improvements may commence at the developer's risk prior to the final plat approval if the detailed improvement plans have been approved by the Director of the Division of Development Review, provided that such facilities and improvements will be inspected throughout their construction. Final plat approval will be contingent, in part, upon acceptable compliance to County improvement and facility standards.
- E. **As-Built Plan Requirements.** The developer shall submit to the Director of the Division of Development Review one (1) set of prints, one (1) digital AutoCAD drawing file, and one (1) digital file in “.pdf” format of "as-built" plans

for the required infrastructure improvements that have been completed. Storm sewer systems, including culverts, bridges, improved open channels designed in accordance with Section 50.30.5 of the St. Charles County's Design Criteria for the Preparation of Improvement Plans, and stormwater management facilities shall be surveyed after the completion of construction to verify the elevations, dimensions, and locations of the facilities in relation to the approved design. As-Built surveys are not required for typical yard swales designed to drain local subdivision drainage to storm sewer inlets. The "as-built" plans for sanitary systems and water systems shall be required where these systems are not under the jurisdiction of other public agencies. Each set of "as-built" plans shall be certified and sealed by a professional engineer or land surveyor licensed in the State of Missouri.

~~[Improvement plans for subdivisions which contain three (3) acre or larger lots with private streets or subdivisions which have only private improvements proposed, such as condominium plats, commercial plats or industrial plats with parking areas and no streets, shall be prepared on an exhibit not to exceed twenty four (24) inches by thirty six (36) inches and shall contain the following information:~~

~~1. The title page shall show:~~

- a. ~~A key map showing the relationship of the area to be subdivided to the tract and which shall reflect areas of the tract previously subdivided plus adjacent streets.~~
 - b. ~~A north arrow and graphic scale.~~
 - c. ~~A title block showing the name and address of the developer and the engineering firm.~~
 - d. ~~One (1) or more benchmarks on United States Geological Survey (USGS) Datum or a Missouri Department of Transportation (MoDOT) benchmark on USGS Datum in or near the subdivision to which the subdivision is referenced shall be included. No assumed elevations will be accepted.~~
2. ~~Plan sheets showing horizontal layouts of streets, storm sewers, open channels and detention facilities on a graphic scale no less than one (1) inch equals one hundred (100) feet (1" = 100').~~
 3. ~~Plans for grading and sediment and erosion control shall be in accordance with Chapter 412 of this Unified Development Ordinance.~~

- ~~4. Plan sheets showing the proposed finished grading of the site, including both existing and proposed contours at an interval no greater than five (5) feet on a graphic scale no less than one (1) inch equals one hundred (100) feet (1" = 100'). U.S.G.S. contours may be used, except where street grades will exceed eight percent (8%) or where more accurate contour information is required as deemed necessary by the Director of the Division of Development Review.~~

- ~~5. Profiles of streets and storm sewers on a scale not less than one (1) inch equals fifty (50) feet (1" = 50') horizontal and one (1) inch equals ten (10) feet (1" = 10') vertical. Street elevations are to be shown a minimum of every fifty (50) feet horizontally on tangent sections and a minimum of every twenty five (25) feet horizontally within a vertical curve. Flow line and top of structure elevations are required at all junctions of storm sewer lines. Pipe lengths, diameters, slopes, and material specifications must be provided.~~

- ~~6. Drainage area maps showing the drainage areas of all off site and on site stormwater runoff affecting the site.~~

- ~~7. Construction details and typical sections of streets, entrances, open channels, swales and storm sewers as required. Details of all street entrances onto County roads must be at least one (1) inch equals twenty (20) feet (1" = 20'). Enough information must be provided about the entrance geometrics and the intersecting street to determine whether sight distance, vehicle turning movements, and stormwater drainage will be adequate.~~
- ~~8. Hydraulic or any other required engineering calculations sealed and signed by a Missouri registered professional engineer.]~~

F. An applicant for approval of improvement plans for any preliminary plat that is subject to any easement for pipelines, overhead electric lines and other utilities that must be shown on the preliminary plat pursuant to Section 410.110(C)(2)(b) must meet the following requirements, in addition to those set out above.

1. The applicant must depict all such easements of record upon the improvement plans.
2. The applicant must certify to St. Charles County that the applicant has delivered copies of those improvement plans to all holders of such easements with notice to send comments on or consents to those plans to the

Director of the Division of Development Review. The certificate shall also state the date and address of delivery.

No improvement plans may be approved without the consents to those plans from the holders of such easements.

Section 7. Section 410.210, OSCCMo. is hereby amended as follows (additions and updated information in **bold** type and deletions [~~bracketed and stricken~~):

Section 410.210 Plat Information.

All plats shall include the following information:

- A. Accurate boundary survey to State of Missouri minimum surveying standards with bearings and distances tied to surveyed identification points (established section lines, fractional section lines, and/or U.S. survey lines).
- B. Location of lots, streets (including pavement and right-of-way widths), public highways, parks, sidewalks as required, and other features as required, with accurate dimensions to decimals of feet, length, and radii of all curves.
- C. Notation on cul-de-sac islands and raised medians, if any. All plats shall include a note stating:
"Construction, renovation, alteration or maintenance of any vegetation, landscaping and/or subdivision monuments on any cul-de-sac islands and raised medians in right-of-way dedicated or that may be dedicated to the public for streets maintained by the St. Charles County Highway

Department shall be the responsibility of the subdivision homeowners association under special use permits issued by the St. Charles County Highway Department."

- D. Acreage and ownership of all common ground.
- E. Location of [~~detention—areas~~] **stormwater management facilities** for stormwater runoff in common ground with feasible vehicular access, fifteen (15) foot width minimum. The plat shall also dedicate to St. Charles County or its successors in interest an easement of access to and in the common ground occupied by any [~~detention areas~~] **stormwater management facilities** for the purpose of inspection and enforcement of all applicable regulations of such [~~detention—areas~~] **stormwater management facilities. Placement and preservation of facilities outside of common ground will be considered on case-by-case basis and approved by the Director of Community Development. Justification must be provided for consideration.**
- F. Watercourses left in their natural state must be shown within common ground, with lot lines set back from the top of the existing bank of the watercourse or the 10-year, 24 hour or 15-year, 20 minute water surface elevation, where no established top-of-bank can be determined, for all subdivisions except those with lots three (3) acres or larger in size, as provided by Part 3, Article VI of Chapter 405 of this Unified Development Ordinance. All plats shall clearly

show the boundaries of any setback from natural watercourses on the subject property which are left in their natural state and provide a note to reference that setback area stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by Section 405.5026 of the Unified Development Ordinance of St. Charles County, Missouri".

- G. Setback lines on front and side streets; location and dimension of utility easements. Areas designated as common ground shall not be dedicated as one (1) blanket utility easement unless approved by the Director of the Division of Planning and Zoning.
- H. Designate pipeline and/or overhead electric easements, and with respect to pipeline easements designate all setbacks and restrictions imposed by Section 405.503, Regulations Concerning High Pressure Pipelines.
- I. Names of streets and lots numbered in logical order. Streets and names of adjacent subdivision and/or adjacent property owners within one hundred (100) feet in dashed lines.
- J. Provide for a fifty-five (55) foot wide pavement radius and sixty-three (63) foot right-of-way radius turnaround where needed.
- K. Depict floodway fringe, density floodway, and floodway boundaries, and provide base flood elevations as shown on Flood Insurance Rate Maps (FIRMS) issued by the Federal Emergency Management Agency (FEMA) and the maps presently filed in the office of the Division of Planning and Zoning. Any floodway areas or

wetlands must be designated as common ground on the final plat.

- L. Indicate the future street number on each lot.
- M. All areas designated as areas for common use and enjoyment by subdivision lot owners shall be shown on the plat as common ground.
- N. Depict any existing easements across the property. No final plat shall be approved showing additional existing easements recorded after submittal of the preliminary plat to St. Charles County, unless the Director of the Division of Planning and Zoning determines that those additional existing easements do not encumber land to be dedicated by plat as right-of-way. Depict any existing easements on adjacent properties within one hundred (100) feet of the site that are utilized for the development of the site.
- O. Depict all monuments on plat.
- P. Notation of right-of-way to be dedicated to the public, whether such dedications are for subdivision streets, future road improvements, or any other public use, shall be in the form of a note on the plat stating:

"The undersigned owners hereby designate the streets and roadways shown hereon as public streets and roadways and dedicate them in trust to St. Charles County, Missouri, for use as right-of-way."
- Q. Depict and dedicate all utility easements as specified in Section 410.320(D). Notation for dedication of utility easements shall include the following language:

“The undersigned owners of the real estate described herein do hereby grant and dedicate the areas shown as 'Easements' as perpetual non-exclusive utility easements for sanitary sewers, gas lines, water lines, electric lines, communication lines, other public utility facilities, and all related appurtenances. The perpetual non-exclusive utility easements are hereby granted to [insert applicable utility companies, such as: Public Water Supply District No. 2 of St. Charles County, Missouri, Missouri-American Water Company, Duckett Creek Sanitary District, Cuivre River Electric Company, Union Electric Company d/b/a Ameren Missouri, Laclede Gas, CenturyLink, Charter Communications, East Central Missouri Water and Sewer Authority, AT&T], and to all other public utility providers as their interest may appear, and their successors and assigns, for the installation, use, patrol, access, inspection, maintenance, repair, relocation, and replacement of sanitary sewers, gas lines, water lines, communication lines, electric lines, and other public utility facilities, including all related appurtenances and improvements, the right of temporary use of ground adjacent to said utility easements, not occupied by improvements [limited, however, to five (5) feet on either side of said easement] for the excavation and temporary storage of materials during the installation, inspection, repair, relocation, or replacement of said utility facilities, together with all rights implied by and incidental to the use of said utility easements, including, without limitation, the right of ingress and egress to and from such utility

easements from adjacent property, and the right to trim, control, cut, and remove any and all brush, bushes, saplings, trees, roots, undergrowth, rock, overhanging branches, and other obstructions that adversely impact the function or ability to maintain the utility upon, over, and under the utility easements and the adjacent property. Any utility company or public provider that causes damage to the property shall be responsible to restore the disturbed area as nearly as possible to its prior former condition.”

- R. Depict and dedicate all storm sewer easements as required by Section 410.320(E). Notation for dedication of storm sewer easements to the public shall include the following language:

“The undersigned owners hereby dedicate all storm sewer easements identified hereon to St. Charles County, Missouri for St. Charles County’s use for stormwater drainage facilities, with the right of temporary use of adjacent ground not occupied by improvements for the excavation and storage of materials during installation, repair or replacement of said utilities, sewers and drainage facilities.”

Section 8. Section 410.220, OSCCMo. is hereby amended as follows (additions and updated information in **bold** type and deletions [~~bracketed and stricken~~]):

Section 410.220 Written Statements.

- A. Dedication of all streets, public highways, and land intended for public use, together with the deed book and page of the subdivision restrictions, trust indentures, or street maintenance agreements, and signed by all parties who have mortgage or lien interest, including owner(s).
- B. Dedication of all private streets and easements.
- C. Certification as to acreage boundaries, monuments made by a registered land surveyor, testifying that the above were made by the surveyor.
- D. In the event a subdivision is to have privately maintained streets, **storm sewers, stormwater management facilities**, and/or common ground, evidence of the methods for controlling and maintaining each private facility shall be submitted with the final plat. Such restrictions or trust indentures must be reviewed by the Divisions of Planning and Zoning **and Development Review** before they may be recorded. Where any plat includes common ground, that plat shall include a note that title to that common ground shall be conveyed to a homeowners' association or its trustees, and the owner shall convey such title upon establishing such an association and designating its trustees.
- E. In cases where the developer proposes to include other regulations (i.e., architectural control, covenants, and deed restrictions), they shall be submitted to the Director of the Division of Planning and Zoning indicating the additional regulations and how they are going to be administered.

- F. A letter addressed to St. Charles County by the holder of any easement for pipelines, or for overhead electric lines that must be shown on the preliminary plat pursuant to Section 410.110(C)(2)(b) certifying that the proposed final plat does not impair any rights under that easement or compromise any facilities within it. If such a letter cannot be supplied, submit a letter or affidavit stating the date on which a copy of the proposed final plat was mailed or delivered (as the case may be) to the easement holder or its representative and stating the name and address of that easement holder or its representative.
- G. Prior to the recording of the final plat, an entrance permit is needed from the Missouri Department of Transportation if the subdivision has an entrance on a State-maintained right-of-way.
- H. A residential housing development must be approved by the Missouri Department of Natural Resources for individual sewage disposal systems on subdivisions containing seven (7) or more lots prior to the approval of the final plat by the Director of the Division of Planning and Zoning.
- I. Statement relating to proof of payment of tap-on fees for appropriate sewer district.
- J. The above must have all signatures, corporate seal(s) affixed or embossed and be notarized by a notary public prior to the recording of the final plat. All figures and letters on the final plat must be in ink and shall be plain, distinct, and of sufficient size to be easily read, and must be of sufficient density to make a lasting and permanent record.

Section 9. Section 410.410, OSCCMo. is hereby amended as follows (additions and updated information in **bold** type and deletions [~~bracketed and stricken~~):

Section 410.410 [~~Public~~] Storm Sewers, **Street Drainage**, and **Post-Construction Stormwater Management** [~~Other Drain Appurtenances~~].

- A. In addition to the installation of curbs and gutters along the streets as required by this Chapter, storm sewers shall be required. Such systems will be equipped with adequate curb and yard basins, inlets and outlets, and shall be designed in accordance to St. Charles County's **Design Criteria for the Preparation of Improvement Plans** [~~"Design Criteria for the Preparation of Improvement Plans", as issued by the St. Charles County Highway Department in February, 2002, or as amended thereafter~~] and constructed in accordance to the Metropolitan St. Louis Sewer District's "Standard Construction Specifications for Sewers and Drainage Facilities" dated [~~2000~~] **2009**. The stormwater drainage system shall be separate and independent of the sanitary sewer system. The plans and specifications for the disposing of stormwater shall be approved by the Director of the Division of Development Review.
- B. **For all subdivisions with lots of one (1) acre or more in size, open drainage swales along the streets may be allowed in lieu of curb and gutter.** [~~Detention basins are required in~~

~~accordance with Section 50.80 of St. Charles County's "Design Criteria for the Preparation of Improvement Plans" as issued by the St. Charles County Highway Department in February, 2002, or as amended thereafter. When required, stormwater shall be detained and released at a rate not to exceed the release rate from the site under the existing (pre developed) conditions for the 2 year and 10 year, 24 hour or the 2 year and 15 year, 20 minute design storm events. Detention basins must be located in common ground that is not located in the floodway area. The minimum maintenance access to a detention facility shall be a fifteen (15) foot strip of common ground on which feasible vehicular access shall be constructed by the developer. Detention basins must also contain some type of overflow structure capable of passing a 100 year, 24 hour or 20 minute design storm. An emergency spillway, capable of passing a 100-year, 24 hour or 20 minute design storm, may also be required by the Director of the Division of Development Review to safely route any basin overflow away from developed areas to a point of stable, natural drainage.]~~

- C. Post-construction stormwater management shall be required in accordance with Section 410.410.D of the Unified Development Ordinance and designed in accordance with Section 70 of St. Charles County's Design Criteria for the Preparation of Improvement**

Plans. A maintenance plan and schedule for each stormwater management facility shall be established by the subdivision developer, approved by the Director of the Division of Development Review, recorded and referenced and enforced in the subdivision trust indentures. Stormwater management facilities shall be maintained by the subdivision homeowners. Periodic maintenance shall be required of the facility owners per the approved maintenance plan for the subdivision and Section 420.020 of the Unified Development Ordinance. No modifications shall be made to the facilities without approval from the Department of Community Development. ~~[For all subdivisions with lots of one (1) acre or more in size, open drainage swales along the streets may be acceptable, if they are conducive to the area, non-erosive, and approved on the preliminary plat. Plans must be approved by the Director of the Division of Development Review.]~~

D. Post-Construction Stormwater Management - When Required

1. Water Quality.

- a. The requirement to provide measures to protect stormwater quality shall be evaluated for all proposed subdivision developments**

submitted to the Community Development Department for review and approval.

- b. Water quality treatment is required for all new subdivision developments that disturb an area one acre or greater, including subdivision developments less than one acre that are part of a larger common plan or development, as follows:**
 - i. For all new subdivision developments, measures shall be designed and implemented to prevent or minimize water quality impacts to the maximum extent practicable.**
 - ii. For all infill and redevelopments, water quality strategies and technologies, including those that reduce runoff volume, shall be effectively used to the maximum extent practicable. Infill and redevelopments that are subject to but which cannot meet the full water quality requirement due to physical constraints shall be evaluated on a case-by-case basis.**

- c. Water quality treatment is not required in residential subdivision developments with three (3) acre or larger lot sizes.**
- d. If there are known stormwater problems, impaired waterbodies, or other special conditions downstream from a subdivision development, water quality treatment shall be required regardless of land disturbance size.**

2. Stormwater Detention – Channel and Flood Protection

- a. The requirement of stormwater detention shall be evaluated for all proposed subdivision developments submitted to the Community Development Department for review and approval.**
- b. New residential subdivision developments with three (3) acre or larger lot sizes and all other new subdivision developments that have a differential runoff of less than two (2) cfs for the 15-year, 20-minute event shall be exempt from detention requirements for channel and flood protection unless there are known storm water problems, impaired**

waterbodies, or special conditions downstream from the proposed subdivision development.

- c. Detention for channel protection (CP_v) shall not be required where the one-year post development peak discharge is less than or equal to 2.0 cfs for the entire subdivision development. Channel protection (CP_v) shall not be required if the subdivision development discharges directly to permanent lakes or to enclosed pipe systems with adequate hydraulic capacity that discharge to permanent lakes or stormwater management facilities.**

- d. The flood protection (Q_p) requirements may be waived by the Director of the Division of Development Review where conveyance is provided directly to a major river system, lake, or wetland that have capacity to handle flow increases at the 10-year level and where it would benefit to discharge the peak flows from the site prior to the peak flows in the receiving, natural system.**

- e. If there are known storm water problems, impaired waterbodies, or**

other special conditions downstream from a subdivision development, detention for channel and flood protection may be required at the discretion of the Director of the Division of Development Review regardless of differential runoff or minimum lot size.

Section 10. Section 410.440, OSCCMo. is hereby amended as follows (additions and updated information in **bold** type and deletions [~~bracketed and stricken~~):

Section 410.440 Inspection.

- A. Prior to starting any of the work covered by the above plans, after approval thereof, the developer shall make arrangements to provide for inspection of the work, sufficient, in the opinion of the County Engineer (or, in the case of [~~detention basins~~] **stormwater management facilities**, in the opinion of the Director of Development Review), to assure compliance with the plans and specifications as approved.
- B. The County Engineer, or a duly authorized representative, shall make all necessary inspections of all pavement **and storm sewer** construction, along with all ~~storm sewer construction and~~ sanitary sewer construction within the right-of-way.

- C. The Director of Development Review, or a duly authorized representative, shall make all necessary inspections of all [~~detention~~] **stormwater management** facilities.
- D. A minimum of twenty-four (24) hours' notice shall be given to the County Engineer's office and the office of the Director of Development Review prior to the commencement of construction.

Section 11. Section 410.460, OSCCMo. is hereby amended as follows (additions and updated information in **bold** type and deletions [~~bracketed and stricken~~):

Section 410.460 Maintenance and Supervision.

Where the subdivision contains sewers, sewage treatment plants, water supply systems, **stormwater management facilities**, or other physical facilities that are necessary or desirable for the welfare of the area or that are of common use or benefit and which are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made which is acceptable to the agency having jurisdiction over the location and maintenance of such facilities and for the proper and continuous operation, maintenance, and supervision of such facilities.

Section 12. Section 412.080, OSCCMo. is hereby amended as follows (additions and updated information in **bold** type and deletions [~~bracketed and stricken~~):

Section 412.080 Performance Guaranty.

In order to obtain a land disturbance permit, the applicant must insure or guarantee the stabilization of the site upon completion or stoppage of the land disturbance activity.

A. The applicant, or a contractor for the applicant, shall post a performance guarantee with the County in the amount established in this Section.

1. If the performance guarantee is a lender's or escrow agreement, that agreement shall:

a. Be prepared on forms developed by the Director of the Division of Development Review and approved by the County Counselor and be signed by the Director of the Division of Development Review and County Registrar;

b. Ensure or guarantee the installation of sediment and erosion controls and the final stabilization of ground cover based on amounts established in Section 412.080(B) and approved by the Director of the Division of Development Review; and

c. Be held in a special account by the escrow holder or lender at offices in St. Charles County, the City of St. Louis or Missouri counties contiguous to St. Charles County, and the funds shall be subject to the audit of St. Charles County.

2. If the performance guarantee is a standby letter of credit or a certified check, the applicant, or a contractor for the applicant, and the County shall enter into a fully

executed deposit agreement prepared on forms developed by the Director of the Division of Development Review and approved by the County Counselor and signed by the Director of the Division of Development Review and the County Registrar, which shall require the applicant, or a contractor for the applicant, to fulfill the obligations imposed in this Section. A standby letter of credit may be prepared on forms provided by the financial institution on which it is drawn but must be approved by the County Counselor and must, at a minimum, provide for:

- a. Drafts to be drawn at offices in St. Charles County, the City of St. Louis, or Missouri counties contiguous to St. Charles County; and
 - b. Automatic extensions for additional one-year terms unless, at forty-five (45) days prior to the letter's then-current expiration date, the financial institution issuing the letter gives written notice of non-renewal to St. Charles County's Department of Community Development by registered or certified mail or by overnight courier.
- B. Amount Of Performance Guarantee. The amount of the performance guarantee shall be determined by a line-item cost estimate prepared by or on behalf of the applicant and approved by the Director of the Division of Development Review using current market value of the materials and

labor for all erosion and sediment controls and other proposed construction items referenced in Section 412.060(A)(1)(t), (2)(c), (2)(d), and/or (3)(a).

C. Release of Performance Guarantee Funds.

1. The Director of the Division of Development Review may authorize release up to fifty percent (50%) of any performance guarantee funds upon confirming by inspection that all erosion and sediment controls and other proposed construction items referenced in Section 412.060(A)(1)(t), (2)(c), (2)(d), and/or (3)(a) are in place and functioning properly, including establishment of vegetation.
2. The Director of the Division of Development Review may authorize release up to ninety percent (90%) of any performance guarantee funds [~~subject to an escrow or lender's agreement~~] upon confirming by inspection that vegetation has been established, [~~and~~] ongoing maintenance has been provided for all installed erosion and sediment controls, **and all stormwater management facilities are completed and protected where performance guaranty funds are being held for stormwater management facilities in a non-subdivision development per Section 405.525.D.12.** However, the amount retained shall not be reduced to less than the

cost of maintaining the erosion and sediment controls **and completing said remaining stormwater management facility improvements.**

3. The Director of the Division of Development Review shall authorize release of all remaining performance guarantee funds only when the County Inspector certifies that all land disturbance work has been completed, all temporary sediment and erosion control measures have been properly removed or abandoned, all tree preservation requirements have been met, all permanent site improvements have been constructed and approved, **including stormwater management facilities in a non-subdivision development required per Section 405.525.D.12,** and all soil subject to the land disturbance permit is stabilized, including permanent vegetation.

Section 13. Section 420.020, OSCCMo. is hereby amended as follows (additions and updated information in **bold** type and deletions [~~bracketed and stricken~~):

Section 420.020 Inspection, Maintenance and Repair of Detention Basins and Other Storm Water Management Facilities.

- A. *Definitions.* In this Section, the following words and terms are defined as provided below.

DAY

A calendar day.

DETENTION BASIN

See definition in Section 405.060 of the Unified Development Ordinance of St. Charles County, Missouri.

DIRECTOR

The Director of the Division of Development Review or his or her designee.

ST. CHARLES COUNTY

The unincorporated part of St. Charles County, Missouri.

STORM WATER MANAGEMENT FACILITY

~~[A facility designed and installed to intercept, detain, retain, infiltrate, evaporate, transpire, filter, and/or convey surface storm water runoff, including but not limited to such facilities as detention basins, storm water harvesting facilities, rain gardens, bio-swales, bio-retention basins, engineered wetlands, sand and other proprietary filter systems, pervious pavement, etc., for the purposes of removing pollutants, reducing or controlling storm water volume, maintaining pre-development hydrology, and/or flood control.]~~ See definition in Section 405.060 of the Unified Development Ordinance of St. Charles County, Missouri.

UNIFIED DEVELOPMENT ORDINANCE

The Unified Development Ordinance of St. Charles County, Missouri,

Chapters 405 and 410 and 412 of the Ordinances of St. Charles County, Missouri.

B. *Inspection Program.* The Director shall inspect all storm water management facilities in St. Charles County as provided below.

1. *Inspection schedule.* Except as provided in Subsection (E), the Director shall inspect each detention basin and may inspect any other storm water management facility in St. Charles County as provided below.

a. The Director shall inspect each detention basin every five (5) years. The first (1st) inspection of any detention basin built and approved after the effective date of this provision shall be no sooner than one (1) year after the basin's initial inspection and approval under the applicable provisions of the Unified Development Ordinance. Later inspections shall take place at least every five (5) years.

b. The Director may inspect any other storm water management facility as necessary to ensure that it continues to perform as designed.

2. *Consent to inspections.* Property owners or their successors in interest shall be deemed to have consented to continued inspections under this provision by submission to and approval by St. Charles County of plans for detention basins and/or other storm water [~~detention~~] **management** facilities and (as applicable their maintenance pursuant to the

provisions in the Unified Development Ordinance for approval of site plans or improvement plans.

3. *Inspection standards.* In all inspections conducted under this provision, the Director shall determine whether the detention basin and/or other storm water management facility under inspection is maintained to the following standards:

- a. The site plan or improvement plan for the detention basin and/or other storm water management facility approved by St. Charles County pursuant to the Unified Development Ordinance or previously adopted ordinances or orders or regulations; and
- b. The Property Maintenance Code of St. Charles County; and
- c. The performance and inspection criteria for detention basins and/or other storm water management facilities duly promulgated by the Director; and
- d. The inspection and maintenance plan attached to the agreement and restrictions for the storm water management facility as authorized by ordinance or the inspection and maintenance program included in subdivision plats or indentures.

C. *Promulgation Of Performance And Inspection Criteria.* The Director shall develop and distribute to owners of detention basins and/or other storm

water management facilities performance and inspection criteria required above.

- D. *Entry For Purposes Of Inspection, Notice.* Except where consent to inspection is deemed granted as provided in Subsection (B) above, the Director may inspect any detention basin and/or storm water management facility in St. Charles County only after ten (10) days' written notice. Such notice shall be by U.S. mail to owners of storm water management facilities serving properties that are under single ownership. In all other cases, such notice shall be posted as follows. In the case of a basin and/or other facility serving several properties or a subdivision, notices shall be posted:
1. At all entrances to the subdivision;
 2. On the right-of-way closest to the basin and/or other facility;
 3. At the entrance to any easement of access to that basin and/or other facility; and
 4. At the basin's and/or other facility's site if accessible.

In addition, if a subdivisions' trustees are reasonably identifiable, or if an owner has designated a registered agent as provided by applicable law, the Director shall give those persons ten (10) days' written notice by U.S. mail.

- E. *Violations And Corrections.* If upon inspection the Director finds that a detention basin and/or other storm water management facility violates any of the inspection standards set out above, the Director shall take one (1) of the following actions.

1. If, based on inspections and review of County records, the Director finds that a detention basin that was approved for installation before August 1, 1986, no longer exists as of January 1, 2011, and further finds that the basin's absence causes no or minimal harm to storm water management and to surrounding or affected properties in the basin's watershed, the Director may in his/her discretion notify the basin's owner of the violation and of that determination. The notice shall further provide that no corrective action is required of the non-existent basin's owner and that the Director is removing the non-existent basin from the requirements of Section 420.020, OSCCMo.
2. If, based on inspections and on a consideration of surrounding or affected properties in any basin's or facility's watershed, the Director determines that a violation in the condition of an existing basin or facility causes no or minimal harm to storm water management and to surrounding or affected properties in the basin's watershed, the Director may in his/her discretion notify the facility's owner of the violation and of that determination. The notice shall state, however, that the basin or facility may be inspected as often as every one (1) year so long as the violation persists, and that the Director may order correction of the violation in the future if it is later found

to result in adverse effects to storm water management.

3. If the Director cannot make a determination of no or minimal harm under paragraphs (1) and (2), above, the Director shall send the owner or owners by first class mail a written notice detailing those violations and requiring submission of a corrective action plan with deadlines for abating those violations within no more than twenty (20) days of the date of the notice. For good cause shown, and provided there is no immediate harm to the public welfare, the Director may grant the owner or owners a reasonable extension for submitting that corrective action plan. The Director may approve the plan as submitted or require its amendment within no more than fourteen (14) days. The notice shall also state that the detention basin or storm water management facility will be inspected every one (1) year until inspections reveal no violations and may be inspected thereafter at the discretion of the Director but at least every five (5) years.

F. *Abatement Or Legal Action By The Director.* If the owner or owners fail to secure approval of a corrective action plan or fail to comply with an approved plan or in any other way fail to correct the violations of which the Director notified them, the Director shall take one (1) of the following actions.

1. The Director, after reasonable notice and an opportunity for hearing given to the owner or

owners of the detention basin and/or other storm water management facility, shall order the same done and the costs assessed against the property of the owners as a special tax lien. In the case of detention basins and/or other storm water management facilities within common ground in subdivisions, such assessments shall be imposed upon all lots within the subdivision in question.

2. Alternatively, the Director may request the County Counselor to institute an appropriate action for fines and/or injunctive relief against the owners or persons responsible for the detention basin and/or other storm water management facility in violation. Any person responsible for a violation of this Section shall be guilty of a misdemeanor and liable for a fine not to exceed one thousand dollars (\$1,000.00) a day. Every day that such violation is ongoing shall constitute a separate violation.

Section 14. Except as provided in Section 14, below, this ordinance shall be in full force and effect from and after the date of its passage and approval.

Section 15. This ordinance is subject to penalty provisions for its violation and therefore, for penal purposes, shall be effective thirty-one (31) days after its posting in six public places, its publication in full on the web site of St. Charles County, and the publication of its title and the location in St. Charles County where it may be viewed in its entirety in a legal publication or a newspaper of general circulation in St. Charles County.

December 21, 2020
DATE PASSED

December 29, 2020
DATE APPROVED BY COUNTY EXECUTIVE

T. Hallander
CHAIR OF THE COUNCIL

A. E. H.
COUNTY EXECUTIVE

ATTEST:

Paul H. H.
COUNTY REGISTRAR