AN ORDINANCE AMENDING SECTION 405.080 OF THE ORDINANCES OF ST. CHARLES COUNTY MISSOURI, THE UNIFIED DEVELOPMENT ORDINANCE, TO AUTHORIZE CERTAIN BUILDINGS USED AS BARNS OR FOR SIMILAR PURPOSES AS PERMISSIVE USES IN THE A-AGRICULTURAL ZONING DISTRICT, TO REDUCE THE CATEGORIES OF SIZE LIMITS FOR ACCESSORY STRUCTURES IN THE “A” AGRICULTURAL ZONING Districts.

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

WHEREAS, Article II, Section 2.529 of the St. Charles County Charter provides that the Council may exercise legislative power pertaining to public health and welfare, police and traffic, building construction, and planning and zoning, in the part of the County outside incorporated cities, towns, and villages, and on such other subjects as may be authorized by the Constitution or by applicable law; and
WHEREAS, St. Charles County has adopted the zoning regulations in Chapter 405 OSCCMo; and

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

WHEREAS, the County Council finds that it is in the public interest to amend the regulations of Chapter 405, Section 405.080 OSCCMo, as provided herein, to authorize buildings used as barns, sheds, garages or carports as permissive uses in the A-Agricultural zoning district and to reduce the categories of size limits for Accessory Structures in the “A” (Agricultural) zoning districts.

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

Section 1. Section 405.080 OSCCMO, is hereby amended as follows (added text in **bold type**, deleted text in [bracketed and striken type]).

Section 405.080 “A” Agricultural District.

A. **Statement Of Intent.** The intent of this district is to provide for agricultural, recreational, wildlife, open space, farming, river oriented uses and related uses and to discourage premature and disassociated urban development. The minimum lot size of five (5) acres is designed to support agricultural uses and home sites which require proper siting in a rural area.

B. **Permissive Uses.**
1. Except in platted subdivisions, agriculture, farming, dairy farming, livestock and poultry raising, forestry, farm stands and other uses commonly classified as agricultural with no restrictions to operation of such vehicles and machinery that are customarily incidental to such agricultural uses, provided that no feedlot, feeding floor, or structure for housing of livestock or poultry shall be permitted within one hundred fifty (150) feet of any property line. The platted subdivision exception as indicated above does not apply to any of the other permissive or conditional uses of the "A" Agricultural District.

2. Apiaries, aviaries, fish hatcheries, and fur farming or the raising of fur-bearing animals.

3. **Buildings and other structures used as barns, utility sheds, unattached carports, or unattached garages, provided that such structures:**
   
   i. are not used, designed to be used, or intended to be used as residences, housing, business, commercial, industrial, or office purposes, either temporary or permanently; and
   
   ii. comply with the size limits listed in Section 405.080.E, “Accessory Structure” below.

4. [3] Cemetery. Cemeteries with a crematory as an accessory use shall be on a site of not less than twenty (20) acres.


6. [5] Exotic or wild animal on a site of not less than ten (10) acres, provided feeding areas are
located one hundred fifty (150) feet from all property lines.
7.[6] Ferry landings, boat docks and marinas.
8.[7] Forest or wildlife reservations or small conservation uses.
9.[8] Golf course and clubhouse, with a driving range (unlighted) as an accessory use.
10.[9] Home occupations, as regulated in Part 3, Article IV, Section 405.495 of this Chapter.
12.[11] Manufactured/mobile homes (except in subdivisions platted for residential use), modular structures.
13.[12] Public building or facility erected by a governmental agency.
14.[13] Public parks or playgrounds.
15.[14] Public school (elementary, middle, and high), or private school having a curriculum equivalent to a public elementary, middle, or high school.
17.[16] Sewage treatment plants and related facilities, including lift stations, water supply plants, pumps, reservoirs, wells, and elevated storage tanks with screening as approved on the site plan, for the purpose of providing services to the public.
19.[18] Sod farms.
20.[19] Stable, boarding and/or private, provided said stables are fifty (50) feet from all property lines (one (1) horse or pony per one (1) acre).
21. Utility substation or pumping station for electrical, gas or telephone utilities on a site of not less than ten thousand (10,000) square feet in size.

22. Accessory uses and buildings incidental to the above uses when located on the same lot; examples of which are vegetable and flower gardens, swimming pools, tennis courts, utility sheds, personal greenhouses and garden houses (non-commercial), unattached carports, unattached garages, and satellite dishes. If the satellite dishes are eighteen (18) inches or less in diameter and attached to a house, the dishes are allowed without setbacks.

C. Conditional Uses.

1. Adult day care.
2. Airport or landing field.
3. Animal feedlot in excess of one thousand (1,000) animal units.
5. Blacksmith operated only by a resident of the property.
6. Boat brokerage in conjunction with a marina.
7. Boats; the rental, sale, storage, and repair of boats, and boating supplies, including marine gas in conjunction with a marina.
8. Broadcast facility, provided that the distance from the center of the base of the tower to the nearest property line shall not be less than the height of the tower.
9. Buildings, structures or open spaces for conducting weddings and/or wedding receptions or other private parties.
10. Campgrounds.
12. Extraction, quarrying, or mining of sand, gravel, top soil, or other material.
13. Farm stands, commercial.
14. General contracting services relating to building, electrical, heating and cooling, painting and plumbing, provided that materials, vehicles and trailers used in connection with such services shall be stored within an enclosed building, and provided that any site occupied by services permitted under this provision shall be a compact site having at least one hundred fifty (150) feet of frontage on a public road and an area no greater than two (2) acres.
15. Historic sites.
16. Houseboats used as a residence.
17. Institution (hospital, nursing, rest, or convalescent home, and educational or religious), provided that not more than fifty percent (50\%) of the site area may be occupied by buildings, and provided further that the building shall be set back from all required yard lines a minimum of fifty (50) feet. Hospitals may include a helicopter landing pad area as an accessory use.
18. Kennels, provided that the buildings and pens are one hundred fifty (150) feet from all property lines.
19. Lawn care service and all lawn care materials; any related equipment or vehicles are required to be stored within an accessory structure.
20. Logging operations, sawmills, and mill storage of lumber, not including any fabrication of timber structures.
22. (Reserved)
23. Preschool, daycare, special, or other private school.
24. Private clubs, provided said private club is a minimum of one hundred (100) feet from all property lines.
25. Recreation, commercial outdoor.
26. Rural Recreational Activity.
27. Restaurant in association with any permitted or conditional use (except single-family residence). Notwithstanding Section 405.510, any restaurant operating under a conditional use permit issued before November 27, 2012, and that has continuously operated as a restaurant from that date to July 14, 2014, shall be automatically eligible to reinstate the previous conditional use permit.
28. Single-family/single household dwellings and manufactured/modular homes utilized as a second (2nd) dwelling on a temporary basis not to exceed five (5) years.
29. Stable, riding.
30. Taxidermy.
31. Telecommunication tower as regulated in Part 3, Article VIII, Section 405.505.
32. Veterinary clinic.
33. Wind turbines and wind turbine farm.
34. Winery, subject to development standards set forth in Part 4, Section 405.520(F)(2-5).

D. **Height, Area And Lot Requirements.**

1. Maximum height. Forty (40) feet (except as regulated in Part 3, Article I, Section 405.405 et seq.).
2. Minimum front yard. Fifty (50) feet.
4. *Minimum rear yard.* Fifty (50) feet.
5. *Minimum lot width.* One hundred fifty (150) feet.
6. *Minimum lot area.* Five (5) acres unless otherwise specified in this Section.
   a. Parcels or lots duly recorded in the County Recorder's office, as of, and unaltered since the date of adoption of this ordinance and those lots within subdivisions which have received preliminary plat approval prior to the date of adoption of this ordinance may be developed with any Agricultural District permitted use provided that all other requirements of the Unified Development Ordinance are met.
   b. The owner of a lot improved by a residential structure existing prior to February 13, 2006, may record in the County Recorder's office a deed or deeds establishing a three (3) acre tract as the site of that residential structure while leaving the remainder as a separate tract, provided however that such division of land meets all other applicable requirements of this Unified Development Ordinance, except that if the lot to be divided is within a plat recorded on or before November 2, 1959, a re-subdivision plat is not required for such divisions.
7. *Minimum dwelling size (living space).* Eight hundred (800) square feet for single-family.
8. *Minimum front yard for lots of record less than one (1) acre in size.* Twenty-five (25) feet.
9. *Minimum side yard for lots of record less than one (1) acre in size.* Seven (7) feet.
10. Minimum rear yard for lots of record less than one (1) acre in size. Twenty-five (25) feet.

E. Accessory Structure.
1. Maximum total size of an accessory structure or of more than one (1) accessory structures on any given parcel may not exceed the following limits.

a. For parcels less than one (1) acre in size up to [Fifty percent (50%) of the base area of the main structure.] one thousand two hundred (1,200) square feet.

b. For parcels at least one (1) but less than three (3) acres in size, [Two thousand five hundred (1,500)] two thousand four hundred (2,400) square feet.

c. For parcels at least three (3) but less than [four (4)] five (5) acres in size, [Two thousand four hundred (2,400)] three thousand six hundred (3,600) square feet.

d. For parcels at least [four (4)] five (5) acres but less than [five (5)] ten (10) acres in size, [Three thousand (3,000)] four thousand eight hundred (4,800) square feet.

e. For parcels at least [five (5)] ten (10) acres, or more [but less than six (6) acres] in size, [Three thousand six hundred (3,600) square feet] no maximum square footage.

[f. For parcels at least six (6) but less than seven (7) acres in size: Four thousand two hundred (4,200) square feet.

g. For parcels at least seven (7) but less than ten (10) acres in size: Four thousand eight hundred (4,800) square feet.]
h. For parcels at least ten (10) acres in size or more: None.
i. For any agricultural use structure: None.

[f. In cases when the total size of all existing accessory structures in one parcel exceeds the respective size limitation provided for herein, the total size of the existing accessory structures on that parcel shall govern over the respective size limitation provided for herein.]

f. Any accessory structure that existed prior to the inception of the County Zoning Regulations by Order of the St. Charles County Court on November 2, 1959, shall be exempt from, and its size shall not be used in the calculation of, the maximum total size limitations provided in this Section 405.080.E.1.

2. Minimum front yard of accessory structure. Fifty (50) feet.
3. Minimum side yard of accessory structure. Seven (7) feet.
4. Minimum rear yard of accessory structure. Seven (7) feet.
5. Minimum distance from main structure to accessory structure. Ten (10) feet (except swimming pools). Accessory structures that will be less than ten (10) feet from the main structure must meet the same setbacks as the main structure and meet applicable building code requirements. A detached garage may be located in the front yard, however, no part of the structure may be located directly in front of the main structure.
6. Minimum setbacks for boarding and/or private stables. Fifty (50) feet from all property lines.

F. Additional Requirements. See Part 3, Article I, Section 405.405 et seq.

G. Parking, Loading And Sign Regulations. See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

H. Solid Waste Disposal Screening Regulations. Other than for agricultural uses and residential use, all exterior solid waste containers and container racks and stands 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 constructed of cedar, redwood, masonry or other compatible building material.

Section 2. Except as provided in Section 3, below, this ordinance shall be in full force and effect from and after the date of its passage and approval.

Section 3. 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.
DATE PASSED: January 29, 2018

DATE APPROVED BY COUNTY EXECUTIVE: February 1, 2018

CHAIR OF THE COUNCIL:

COUNTY EXECUTIVE:

ATTEST:

COUNTY REGISTRAR: