

Chapter 405 Administration and Procedures

Article I Purpose, Organization and Summary Table of Application Procedures

Section 405.000 Purpose and Organization

- A. The purpose of this Chapter is to provide consistent and equitable procedures for the review of development proposals and to ensure that proposed development is in accordance with the purposes and standards of this Code.
- B. This Chapter describes the review and approval procedures for applications for land use and development in the City, and is divided into three parts:
 - 1. **Article I, Section 405.010** contains a summary table listing the applications authorized by this Code and application-specific requirements for pre-application meetings, public hearing notice, review and decision-making bodies, and expiration of approval. The table also lists cross references to related applications authorized by and subject to requirements of other chapters of this Code.
 - 2. **Article II** describes the common procedures and requirements that apply to most application types.
 - 3. **Articles III-VIII** contain application-specific procedures and requirements including any additions or modifications to the common procedures in **Article II**.
 - 4. **Article IX** describes the procedures for Urban Redevelopment in accordance with Chapter 353, RSMo., as amended.

Section 405.010 Summary Table of Application Procedures

- A. **Table 405.010**, *Summary Table of Application Procedures*, lists the applications authorized by this Chapter and application-specific requirements from **Articles III-VIII** for pre-application meetings, public hearing notice, review and decision-making bodies, and expiration of approval. The table also lists cross references to related applications authorized by and subject to requirements of other chapters of the Municipal Code.
- B. In the event of conflict between the application-specific procedures in **Articles III-VIII** and the requirements summarized in **Table 405.010**, *Summary Table of Application Procedures*, the application-specific procedures and requirements in **Articles III-VIII** shall govern.

Table 405.010, Summary Table of Application Procedures

KEY: **X** = Required - = Not Applicable/Not Required **R** = Review and Recommendation **D** = Review and Decision **[]** = Public Hearing **A** = Appeal

Procedure	Code Section	Pre-application Meeting		Public Hearing Notice		Review and Decision-Making Bodies				Post Decision Actions and Limitations
		Staff Meeting	Neighborhood Meeting	Publish	Mail	Staff	Planning & Zoning Commission	Board of Aldermen	Board of Adjustment	Period of Validity
TEXT AND ZONING MAP AMENDMENT PROCEDURES										
Text Amendment	405.090	-	-	X	-	R	[R]	[D]	-	does not expire
Zoning Map Amendment	405.100	X	X	X	X	R	[R]	[D]	-	does not expire
Annexation	405.110	PURSUANT TO RSMO., AS AMENDED								
SUBDIVISION PROCEDURES										
Preliminary Plat, Minor	405.120	-	-	-	-	D	A	-	-	one year
Preliminary Plat, Major	405.120	X	X	X	X	R	[R]	[D]	-	two years
Record Plat	405.130	-	-	-	-	D	A	-	-	one year
Vacation of Rights-of-Way/Easement Plat	405.140	-	-	X	X	R	[R]	[D]	-	one year
DEVELOPMENT REVIEW PROCEDURES										
Master Plan	405.150	X	X	X	X	R	[R]	[D]	-	two years
Site Plan, Minor	405.160	-	-	X	X	R	[D]	[A]	-	one year
Site Plan, Major	405.160	X	X	X	X	R	[R]	[D]	-	one year
Special Use Permit	405.170	-	-	X	X	R	[R]	[D]	-	one year
Improvement Plan	405.180	-	-	-	-	D	-	-	-	one year
DEVELOPMENT PERMIT PROCEDURES										
Floodplain Development Permit	405.190	-	-	-	-	D	-	-	[A]	one year
Sign Permit	405.200	-	-	-	-	D	-	-	-	one year
Storm Sewer Permit	405.210	-	-	-	-	D	-	-	-	one year
Building Permit	500.010	-	-	-	-	D	-	-	-	varies
Right-Of-Way Permit	511.040-511.120	-	-	-	-	D	-	-	-	60 days (maximum)
Small Wireless Facility Permit	511.400	-	-	-	-	D	-	-	-	10 years (minimum)

Procedure	Code Section	Pre-application Meeting		Public Hearing Notice		Review and Decision-Making Bodies				Post Decision Actions and Limitations
		Staff Meeting	Neighborhood Meeting	Publish	Mail	Staff	Planning & Zoning Commission	Board of Aldermen	Board of Adjustment	Period of Validity
Grading Permit	540.010-540.110	-	-	-	-	D	-	-	-	one year
FLEXIBILITY AND RELIEF PROCEDURES										
Minor Adjustment	405.220	REFER TO CONCURRENT APPLICATION PROCEDURES								
Variance	405.230	X	-	X	X	R	-	-	[D]	one year
APPEAL PROCEDURES										
Appeal of Administrative Enforcement	405.240	-	-	X	-	R	-	-	[D]	does not expire
Appeal of Final Decision	405.250	REFER TO ORIGINAL APPLICATION PROCEDURE								

Article II Common Procedures

Section 405.020 Applicability

- A. This Section describes the common procedures and requirements applicable to all applications authorized by this Code. Common procedures include six steps, as shown in **Figure 405.020**, not all of which are applicable to every application.

1	2	3	4	5	6
Pre-Application Meetings	Application Submission and Handling	Staff Review and Action	Notice and Public Hearings	Review and Decision-Making Bodies	Post-Decision Actions and Limitations

Figure 405.020, Common Procedures

- A. Application-specific procedures and requirements beyond those in this Article are identified in **Articles III-VIII**.
- B. In the event of conflict between the common procedures and requirements contained in this Article and the application-specific procedures and requirements contained in **Articles III-VIII**, the application-specific procedures and requirements shall govern.

Section 405.030 Pre-Application Meetings

- A. Pre-Application Staff Meeting
1. Purpose
 - a. The pre-application staff meeting is intended to provide an opportunity for the applicant to meet with City staff to discuss submittal requirements, review procedures, and to identify any issues associated with the proposed development concept.
 2. Applicability
 - a. A pre-application staff meeting may be requested by an applicant for any application type and shall be required for applications as indicated in **Table 405.010, Summary Table of Application Procedures**.
 - b. The pre-application staff meeting requirements may be waived by the Community Development Director if the Director determines that the proposal would not have significant impacts on the surrounding properties, environment, or infrastructure.
 3. Procedure
 - a. The applicant shall submit a request for a pre-application meeting to the Community Development Director.
 - b. At least seven days prior to the scheduled pre-application meeting, the applicant shall submit the following materials at a minimum:
 - (1) A written description of the proposed project;

- (2) Conceptual drawings showing the location, layout, and primary elements of the proposal; and
 - (3) Proposed uses, location of uses, and densities.
- 4. Effect
 - a. Any information or discussions held at the pre-application staff meeting shall not be binding on the City or the applicant.
 - b. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action.
- B. Pre-Application Neighborhood Meeting
 - 1. Purpose
 - a. A pre-application neighborhood meeting is intended to allow residents, businesses, and organizations in the area surrounding a proposed development an opportunity to learn about the project details and to provide feedback to the applicants.
 - 2. Applicability
 - a. A pre-application neighborhood meeting is required for applications as indicated in **Table 405.010**, *Summary Table of Application Procedures*.
 - b. The pre-application neighborhood meeting requirements may be waived by the Community Development Director if the Director determines that the proposal would not have significant impacts on the surrounding properties, environment, or infrastructure.
 - 3. Notice
 - a. The applicant shall be responsible for providing notice by mail to all owners of record within 500 feet of the boundaries of the property.
 - b. Notice shall be provided at least 15 days prior to the meeting date and shall include the meeting date, time, location, address of the proposed development and short description of the proposed project.
 - c. The applicant shall also provide notice to the Community Development Director.
 - 4. Meeting Specifics
 - a. The meeting shall be organized by the applicant.
 - b. City staff are not required to plan, organize, attend or participate in the meeting.
 - c. The applicant shall present, at a minimum, proposed land uses, a conceptual site layout of buildings, parking and vehicle access, and the preliminary design concept. Engineered plans are not required.
 - d. The applicant shall provide an opportunity for attendees to provide feedback and ask questions.
 - e. As part of the application submittal, the applicant shall submit a summary of the meeting, list of attendees, copy of the presentation and proof of notification.

- f. The applicant is required to host one pre-application neighborhood meeting, but may agree to conduct additional meetings before or after filing an application.

Section 405.040 Application Submission and Handling

A. Authority to Apply

1. Unless expressly stated otherwise in this Code, applications may be submitted by the following entities:
 - a. The property owner;
 - b. An authorized party submitting on behalf of the property owner, as evidenced by a notarized affidavit from the property owner; or
 - c. An authorized contract purchaser, tenant, or other authorized party, as evidenced by a notarized affidavit from the property owner.
2. If there are multiple property owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.
3. No application shall be submitted or accepted prior to completing the required pre-application meetings as indicated in **Table 405.010**, *Summary Table of Application Procedures*.

B. Application Content and Fees

1. The application shall be submitted to the Department of Community Development or Department of Public Works, as applicable, on a form established by the Director of the applicable department.
2. Application forms listing submission requirement details shall be established and maintained by the City.
3. The application, plans, and supporting documents shall provide sufficient detail to verify conformance with the applicable standards of this Code and the application-specific review criteria.
4. Application fees shall be paid at the time of submittal in accordance with the fee schedule in **Section 135.100** of the Municipal Code, *Planning and Zoning Fees*.

C. Submittal Deadlines and Review Schedules.

1. Applications requiring review or approval by the Planning and Zoning Commission or Board of Adjustment as indicated in **Table 405.010**, *Summary Table of Application Procedures*, shall be filed in the office of the Community Development Director at least 35 days prior to a regularly scheduled meeting of the Planning and Zoning Commission or Board of Adjustment.
2. The Community Development Director shall establish a more specific processing cycle for each type of application, which includes:
 - a. Dates of regular meetings of review bodies and decision makers that comply with all legal requirements for notice and public meeting deadlines;
 - b. Deadlines for receipt of a complete application for consideration at a particular meeting;
 - c. The scheduling of staff review, agency review and staff reports on complete applications;

- d. The steps and benchmarks in the application process (including required notice requirements, public meetings, public hearings, decision meetings and review by other bodies).

D. Concurrent Applications

1. At the discretion of the Community Development Director or Public Works Director, as applicable, multiple applications types may be filed for the same property and may be reviewed and acted on concurrently.
2. Whenever two or more application types are required under this Code, the Community Development Director or Public Works Director, as applicable, shall determine the order and timing of review.
3. When a development includes multiple parcels, a separate application for each property shall be submitted unless the Community Development Director or Public Works Director, as applicable, approves a consolidated application.

E. Determination of Completeness

1. The Community Development Director or Public Works Director, as applicable, shall determine whether the application is complete or incomplete within seven days of submittal.
2. An application will be considered complete if it is submitted in the required number and form, includes all required information, and is accompanied by the required fee. A complete application shall be processed in accordance with the procedures in this Chapter.
3. If an application is determined to be incomplete, written notice explaining the deficiencies must be provided to the applicant. No further processing of an incomplete application will occur until the deficiencies are corrected.
4. The application shall expire and a new application, including fee, shall be submitted to commence review if the deficiencies are not corrected within 90 days of the date of the written notice of deficiencies to the applicant.

F. Application Withdrawal

1. An applicant may withdraw an application at any time by submitting a request in writing.
2. The applicant shall not be entitled to a refund of fees.

Section 405.050 Staff Review and Action

A. Application Review

1. The complete application shall be distributed to appropriate staff for review.
2. Recommendations and comments shall be submitted to the applicant in a form established by the Community Development Director or Public Works Director, as applicable.
3. The application shall expire and a new application, including fee, shall be submitted to commence review if no correspondence, documentation or revised plans are received from the applicant for a period of time that exceeds 90 days from the date of the written notice of recommendations and comments to the applicant.

B. Technical Studies

1. The Community Development Director or Public Works Director, as applicable, on behalf of any public official, department, agency, or decision-making body may require applicants to submit technical studies as may be necessary to evaluate the application.
 - a. Technical review by outside entities with expertise or jurisdiction over some aspects of the application may be required in place of, in addition to, or in association with any studies.
 - b. Examples of technical studies that may be required include traffic studies, engineering studies, geologic or hydrologic studies, environmental impact assessments, noise studies, market studies or economic impact studies.
 - c. The costs of all studies and technical review by outside entities shall be borne by the applicant. Any application that is determined to require technical studies or review from entities outside of the City may require special schedules based on the reasonable time frames to conduct those studies or additional reviews.

C. Applications Subject to Staff Recommendation

1. The Community Development Director shall schedule complete applications for action by the appropriate review and/or decision-making body as indicated in **Table 405.010, Summary Table of Application Procedures.**
2. The Community Development Director shall prepare a staff report and provide a copy of the report to the review and/or decision-making body and to the applicant before the scheduled meeting.

D. Applications Subject to Staff Decision

1. If an application is subject to staff review and final decision as indicated in **Table 405.010, Summary Table of Application Procedures,** the appropriate staff shall make a decision based on the review standards applicable to the application type. The decision shall be in writing and shall clearly state reasons for a denial or conditions of approval.
2. For all application types, the staff decision is immediately final.
3. Any conditions of approval shall be limited to conditions necessary to ensure compliance with the requirements of this Code and shall relate to the anticipated impacts of the proposed development.

Section 405.060 Notice and Public Hearings

A. Public Meeting Notice

1. All public meetings of review and decision-making bodies shall be preceded by notice in accordance with **Section 125.060** of the Municipal Code, *Notices of Meetings.*

B. Public Hearing Notice

1. Applicability
 - a. All public hearings required by this Code shall be preceded by the notices identified in **Table 405.010, Summary Table of Application Procedures.**

2. Content
 - a. The notice shall provide the general nature of the application and the time, place and location of the public hearing.
 3. Published Notice
 - a. At least 15 days prior to the public hearing, notice shall be published in a newspaper in general circulation in the City.
 - b. An affidavit of publication shall be kept as part of the City record.
 4. Mailed Notice
 - a. The applicant shall provide a certified list from the St. Charles County Assessor of names and addresses of all owners of record within 500 feet of the boundaries of the property.
 - b. At the expense of the applicant, the Community Development Director shall mail notice to all property owners referenced in **subsection 4.a** at least 15 days prior to the public hearing date.
 - c. When mailed notices have been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action.
- C. Public Hearing Procedures
1. The public hearing shall be conducted, and a record of the proceedings shall be preserved, as the specific review and/or decision-making body may prescribe by rule.
 2. Any interested person or party may appear and be heard in person, by agent, or by attorney.
 3. The review and/or decision-making body may request a report on the application from any government official or agency, or any other person, firm or corporation with information pertinent to the application. A copy of any requested report shall be made available to the applicant and interested parties and shall be available for review in the office of the Community Development Director.
 4. A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Code provided that the continuance is set for a specific date, time and location announced at the original public hearing.

Section 405.070 Review and Decision-Making Bodies

- A. Public Hearing
1. The application shall be subject to review, hearings, recommendations, and decisions as indicated in **Table 405.010**, *Summary Table of Application Procedures*.
 2. If the application is subject to a public hearing, the review and/or decision-making body shall hold a public hearing on the application in accordance with **Section 405.060**, *Notice and Public Hearings*.

3. The review and/or decision-making body shall consider the application, relevant support materials, staff report, and any evidence and public comments from the public hearing, if required.
- B. Review Body Action
1. The review body shall recommend to the decision-making body approval, approval with conditions, or denial of the application based on the applicable review criteria listed in the application-specific procedures.
 2. The review body may also continue the public hearing in accordance with **Section 405.060**, *Notice and Public Hearings*, to allow further analysis.
 3. The application shall not be continued more than 60 days from the original meeting date without consent of the applicant. No application shall be continued more than once without consent of the applicant.
- C. Decision-Making Body Action
1. The decision-making body shall approve, approve with conditions, or deny the application based on the applicable review criteria listed in the application-specific procedures.
 2. The decision-making body may also continue the public hearing in accordance with **Section 405.060**, *Notice and Public Hearings*, to allow further analysis, and may remand the application to the appropriate review body for further consideration.
 3. The application shall not be continued more than 60 days from the original meeting date without consent of the applicant. No application shall be continued more than once without consent of the applicant.
- D. Conditions of Approval
1. A review or decision-making body may approve an application with conditions necessary to bring the proposed development into compliance with this Code or other regulations, or to mitigate the impacts of the development.
 2. The Planning and Zoning Commission and Board of Adjustment may remove, modify or maintain conditions recommended by City staff.
 3. The Board of Aldermen may remove, modify or maintain conditions recommended by City staff or the Planning and Zoning Commission.
 4. Unless expressed in this Code or specifically modified during a public meeting, any representations of the applicant in submittal materials or during public hearings shall be binding as conditions of approval.
 5. Conditions placed on an approved application shall be resolved to the satisfaction of the Community Development Director after appropriate consultation with the Chief Building Official and Public Works Director, if applicable.
- E. Effect of Approval
1. The issuance of any approval, certificate, or permit under this code shall authorize only the particular development, alteration, construction, or use approved in the subject application.

2. Approval of an application shall become effective immediately upon approval by the decision-making body indicated in **Table 405.010**, *Summary Table of Application Procedures*. In the event that additional approval is required by another governmental authority or agency, the approval shall not become effective until that approval is received.
3. Unless otherwise stated for a specific type of permit, approval, or decision under this Code, or unless otherwise stated on the permit or approval document, permits and approvals issued under this Code run with the land and are not affected by changes in ownership or the form of ownership of the property.

Section 405.080 Post-Decision Actions and Limitations

A. Notice of Decision

1. Within 10 days after a final decision on an application, the Community Development Director or Public Works Director, as applicable, shall provide notice via mail or electronic mail to the applicant stating the decision and the appropriate next steps.

B. Appeals

1. A party aggrieved or adversely affected by any decision by the Board of Aldermen, Board of Adjustment, or an appellate body may seek review of the decision in the courts in accordance with state law.
2. An applicant aggrieved by final decisions by staff or the Planning and Zoning Commission on any application listed in **Table 405.010**, *Summary Table of Application Procedures*, may appeal the decision to the appellate body indicated in **Table 405.010**, *Summary Table of Application Procedures*, and in accordance with **Section 405.250**, *Appeal of Final Decision*.

C. Expiration of Approvals

1. Period of Validity
 - a. Each permit or approval granted under this Code shall be valid for the periods of time indicated in **Table 405.010**, *Summary Table of Application Procedures*, and shall become null and void after that period unless extended pursuant to **subsection C.2**.
2. Extensions
 - a. Prior to the expiration date of a permit or approval, the Community Development Director or Public Works Director, as applicable, may extend the period of validity one time, for up to one year.
 - b. An extension shall be granted only after a written request from the applicant which explains reasonable cause for such extension has been received and it is determined that a reasonable cause exists for such an extension.

D. Amendments to Approved Applications

1. After the City has issued a permit or granted approval pursuant to this Chapter, the permit or approval may only be amended as described in this subsection.
2. Minor Amendments

- a. Minor amendments to a permit or approval issued under this Chapter may be approved by the Community Development Director or Public Works Director, as applicable, provided the Director determines that the following criteria have been met:
 - (1) The amendment is insignificant,
 - (2) The amendment has minimal impact to the overall design of the development or subdivision,
 - (3) The amendment does not vary the requirements of this Code, and
 - (4) The amendment does not change any conditions of approval.
 3. Major Amendments
 - a. All amendments to permits or approvals that do not qualify as minor amendments under **subsection D.2** may only be approved by the review or decision-making body that issued the permit or approval, and shall be processed as a new application following the same procedure for the original application.
- E. Successive Applications
1. In the event that the decision-making body takes final action to deny an application, the same or a similar application shall not be refiled for one year from the advertised meeting date.
 2. The Community Development Director or Public Works Director, as applicable, upon petition by the applicant, may permit a refiling of the application no sooner than 180 days after the scheduled meeting date when it is determined that significant physical, economic or land use changes have taken place within the immediate vicinity or a significant text amendment has been adopted.
 3. There shall be no time limitation on the submittal of a substantially different application.

Article III Text and Zoning Map Amendment Procedures

Section 405.090 Text Amendments

- A. Purpose
1. The purpose of the text amendment procedure is to add, remove, or modify the text of this Code to reflect changes in public policy, changed conditions, or to advance the health, safety, and welfare of the City.
- B. Applicability
1. This Section applies to all requests to change the text of this Code.
 2. An application for a text amendment may only be initiated by the Community Development Director, the Planning and Zoning Commission, or the Board of Aldermen.
 3. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific

procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.

C. Procedure

1. Summary

a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.

2. Application Submission and Handling

a. An application for a text amendment shall be prepared by the Community Development Director.

3. Staff Review and Action

a. The Community Development Director shall prepare a staff report and recommendation to the Planning and Zoning Commission in accordance with **Section 405.050**.

4. Notice and Public Hearings

a. The application shall be scheduled for public hearings before the Planning and Zoning Commission and Board of Aldermen and noticed in accordance with **Section 405.060**.

5. Review and Decision-Making Bodies

a. *Planning and Zoning Commission Review and Recommendation.* The Planning and Zoning Commission shall review the application and recommend approval, approval with modifications, or denial in accordance with **Section 405.070** and the criteria listed in **subsection C.5.c**. The Planning and Zoning Commission may also continue the public hearing to a specific date in accordance with **Section 405.070**.

b. *Board of Aldermen Review and Decision.* The Board of Aldermen shall review the application and act to approve, by ordinance, or deny the application in accordance with **Section 405.070** and the criteria listed in **subsection C.5.c**. The Board of Aldermen may also continue the public hearing to a specific date in accordance with **Section 405.070**.

c. *Review Criteria.* A text amendment application shall be reviewed according to the following criteria:

- (1) The text amendment is consistent with the Comprehensive Plan and other City policies;
- (2) The text amendment does not conflict with other provisions of this Code or other provisions in the Lake Saint Louis Municipal Code;
- (3) The text amendment is necessary to address a demonstrated community need;
- (4) The text amendment is necessary to respond to substantial changes in conditions and/or policy; and
- (5) The text amendment is consistent with the general purpose and intent of this Code.

6. Post-Decision Actions and Limitations

a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modification:

- (1) *Expiration of Approval.* The period of validity of an approved text amendment shall not expire.

Section 405.100 Zoning Map Amendment

A. Purpose

1. The purpose of the zoning map amendment procedure is to change a property's zoning classification by revising the Official Zoning Map to reflect changes in public policy, changed conditions, or to advance the health, safety, and welfare of the City.
2. The purpose is neither to relieve particular hardship nor to confer special privileges or rights on any person.
3. The zoning map amendment procedure should not be used when a special use permit, variance, or minor adjustment could be used to achieve a similar result.

B. Applicability

1. This Section applies in the following instances:
 - a. Initial zoning of property into a zoning district at the time property is annexed into the City;
 - b. Changes of zoning from one base zoning district to a different base zoning district; and
 - c. To include property in, or exclude property from, an overlay zoning district.
2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.

C. Procedure

1. Summary
 - a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.
2. Pre-application Meetings
 - a. A pre-application staff meeting and pre-application neighborhood meeting shall be held in accordance with **Section 405.030**.
3. Application Submission and Handling.
 - a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040** and the following modifications:
 - (1) In addition to the persons authorized to submit an application listed in **Section 405.040.A**, the Planning and Zoning Commission, Board of Aldermen, and Community Development Director may initiate a zoning map amendment application.
 - (2) An application for zoning map amendment shall be submitted concurrently with an application for preliminary plat (**Section 405.120**), site plan (**Section 405.160**), or master plan (**Section 405.150**).

- (3) A request for a zoning map amendment that would create a nonconformity shall not be approved unless approval is first granted for a minor adjustment (**Section 405.220**) or variance (**Section 405.230**).
4. Staff Review and Action
 - a. The Community Development Director shall review the application and prepare a staff report and recommendation to the Planning and Zoning Commission in accordance with **Section 405.050**.
5. Notice and Public Hearings
 - a. The application shall be scheduled for public hearings before the Planning and Zoning Commission and Board of Aldermen and noticed in accordance with **Section 405.060**.
6. Review and Decision-Making Bodies.
 - a. *Planning and Zoning Commission Review and Recommendation.* The Planning and Zoning Commission shall review the application and recommend approval or denial in accordance with **Section 405.070** and the criteria listed in **subsection C.6.c**. The Planning and Zoning Commission may also continue the public hearing to a specific date in accordance with **Section 405.070**.
 - b. *Board of Aldermen Review and Decision.* The Board of Aldermen shall review the application and act to approve, by ordinance, or deny the application in accordance with **Section 405.070** and the criteria listed in **subsection C.6.c**. The Board of Aldermen may also continue the public hearing to a specific date in accordance with **Section 405.070**.
 - c. *Review Criteria.* A zoning map amendment shall be reviewed according to the following criteria:
 - (1) The zoning map amendment is consistent with the City’s Comprehensive Plan and the purpose of this Code;
 - (2) The zoning map amendment is consistent with the purpose statement of the proposed zoning district and all district standards;
 - (3) The zoning map amendment will not create any new non-conformities or increase the degree of any existing non-conformities;
 - (4) Substantial changes in the subject area warrant a zoning change; and/or
 - (5) The intensity of development in the proposed zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood.
 - (6) In addition to the preceding criteria, an application for a zoning map amendment to include a property in the PUD - Planned Unit Development Overlay District, shall also be reviewed in accordance with **Section 415.130, PUD - Planned Unit Development Overlay District**.
 - d. Protest Petition
 - (1) If a written protest against a proposed zoning map amendment that is signed and acknowledged by the owners of 30 percent or more, either of the areas of the land (exclusive of streets and alleys) included in such

proposed change or within an area determined by lines drawn parallel to and 185 feet distant from the boundaries of the district proposed to be changed, said amendment shall not become effective except by the favorable vote of two-thirds of all the members of the Board of Aldermen.

(2) Protest petitions must be filed with Community Development Director at least one week prior to the final decision of the Board of Aldermen.

7. Post-Decision Actions and Limitations

a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:

(1) *Effect of Approval*. Following approval of a zoning map amendment, the Community Development Director shall prepare a revision to the Official Zoning Map.

(2) *Expiration of Approval*. The period of validity of an approved zoning map amendment shall not expire.

Section 405.110 Annexation

A. Purpose

1. The purpose of annexation is to expand City boundaries into unincorporated land that allows for orderly growth, efficient delivery of municipal services, and proactive planning for future development.

B. Applicability

1. This Section applies to all requests to annex new land into the City.

C. Procedure

1. Annexation of land into the City shall comply with the procedures and other provisions of Chapter 71, RSMo., as amended.

Article IV Subdivision Procedures

Section 405.120 Preliminary Plat

A. Purpose

1. The preliminary plat procedure is used to review an overall plan for a proposed subdivision to ensure compliance with this Code, the Comprehensive Plan, and the adequate provision of facilities and services to the City.

B. Applicability

1. This Section shall apply to any request that meets one of the following criteria:

a. Minor Preliminary Plat

- (1) Creates three or fewer new lots or 10 or fewer new condominium units.
- (2) Converts an existing building into condominium units.
- (3) Combines two or more lots into a single lot.
- (4) Adjusts the property lines between two or more properties.
- (5) Amends a recorded final plat to correct minor survey or drafting errors.
- (6) Dedicates easements to the City.

b. Major Preliminary Plat

- (1) Creates more than three new lots or more than 10 new condominium units.
- (2) Requires the dedication of right-of-way or construction of public improvements.
- (3) Does not qualify as a minor preliminary plat in accordance with **subsection B.1.a.**

2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.

C. Minor Preliminary Plat Procedure

1. Summary

- a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.

2. Application Submission and Handling.

- a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040**.

3. Staff Review and Action

- a. The Community Development Director shall review the application and act to approve or deny the application in accordance with **Section 405.050** and the criteria listed in **subsection C.3.b.**

- b. *Review Criteria.* A minor preliminary plat shall be reviewed according to the following criteria:

- (1) The preliminary plat is consistent with the Comprehensive Plan and any approved master plan that includes the property;

- (2) The preliminary plat is consistent with the intent of the underlying zoning district and complies with applicable dimensional standards of the underlying zoning district;
 - (3) The preliminary plat complies with all applicable standards in this Code, including **Chapter 430**, *Subdivision and Improvement Standards* and the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*;
 4. Post-Decision Actions and Limitations
 - a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
 - (1) *Effect of Approval*. An approved minor preliminary plat may be recorded with the St. Charles County Recorder of Deeds, subject to the requirements of **Section 430.040**, *Filing of Approved Record Plats*.
 - (2) *Expiration of Approval*. An approved minor preliminary plat shall expire one year after the date of final approval unless it is recorded with the St. Charles County Recorder of Deeds in accordance with **Section 430.040**, *Filing of Approved Record Plats*, or an extension is granted pursuant to **Section 405.080**.
- D. Major Preliminary Plat Procedure
 1. Summary
 - a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.
 2. Pre-application Meetings
 - a. A pre-application staff meeting and pre-application neighborhood meeting shall be held in accordance with **Section 405.030**.
 3. Application Submission and Handling.
 - a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040**.
 4. Staff Review and Action
 - a. The Community Development Director shall review the application and prepare a staff report and recommendation to the Planning and Zoning Commission in accordance with **Section 405.050**.
 5. Notice and Public Hearings
 - a. The application shall be scheduled for public hearings before the Planning and Zoning Commission and Board of Aldermen and noticed in accordance with **Section 405.060**.
 6. Review and Decision-Making Bodies.
 - a. *Planning and Zoning Commission Review and Recommendation*. The Planning and Zoning Commission shall review the application and recommend approval, approval with conditions, or denial in accordance with **Section 405.070** and the criteria listed in **subsection C.6.c**. The Planning and Zoning Commission may also continue the public hearing to a specific date in accordance with **Section 405.070**.

- b. *Board of Aldermen Review and Decision.* The Board of Aldermen shall review the application and act to approve, by ordinance, or deny the application in accordance with **Section 405.070** and the criteria listed in **subsection C.6.c.** The Board of Aldermen may also continue the public hearing to a specific date in accordance with **Section 405.070**.
 - c. *Review Criteria.* A major preliminary plat shall be reviewed according to the following:
 - (1) The preliminary plat is consistent with the Comprehensive Plan and any approved master plan that includes the property;
 - (2) The preliminary plat is consistent with the intent of the underlying zoning district and complies with applicable dimensional standards of the underlying zoning district;
 - (3) The preliminary plat complies with all applicable standards in this Code, including **Chapter 430, Subdivision and Improvement Standards** and the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*;
 - (4) The preliminary plat provides a layout of lots, streets, blocks, driveways, utilities, drainage, and other public facilities and services designed to minimize the amount of disturbance to sensitive areas and/or community assets;
 - (5) The preliminary plat provides evidence of public water and sewer system connections;
 - (6) The existing utilities and infrastructure, including but not limited to streets, water, sanitary and storm sewers, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the degree practicable;
 - (7) The preliminary plat identifies and adequately mitigates known natural hazard areas; and
 - (8) The preliminary plat proposes reasonable project phasing in terms of infrastructure capacity.
7. Post-Decision Actions and Limitations
- a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
 - (1) *Effect of Approval*
 - (a) Approval of a major preliminary plat authorizes the applicant to submit applications for record plat (**Section 405.130**) and improvement plan (**Section 405.180**).
 - (b) No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the applicable City officials.
 - (2) *Expiration of Approval.* An approved major preliminary plat shall expire two years after the date of final approval unless:
 - (a) An extension is granted pursuant to **Section 405.080**; or

- (b) A record plat for all or part of the approved major preliminary plat is recorded with the St. Charles County Recorder of Deeds in accordance with **Section 430.040, *Filing of Approved Record Plats***.
 - (i) Within one year of recording the record plat for the first phase of the subdivision, an application for record plat must be approved for the next phase, continuing with each successive phase, until record plats have been approved and recorded for all the land subject to the original major preliminary plat.
 - (ii) If the applicant fails to receive approval for a record plat for any phase of the development within the prescribed period, or within any extension granted pursuant to **Section 405.080**, the original major preliminary plat shall expire for that phase and for all other phases for which a record plat has not been approved or no longer remains in effect on the date of expiration.
 - (iii) If an approved record plat expires in accordance with **Section 405.130**, the major preliminary plat for that phase shall also expire, and all other phases for which a record plat has not been approved or is not pending approval, or has lapsed subsequent to approval, on the date of expiration.

Section 405.130 Record Plat

A. Purpose

1. The record plat procedure completes the subdivision process and ensures compliance with the approved minor or major preliminary plat before final recording.

B. Applicability

1. This Section shall apply to minor and major preliminary plats approved in accordance with **Section 405.120**.
2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.

C. Procedure

1. Summary

- a. Refer to **Table 405.010, *Summary Table of Application Procedures***.

2. Application Submission and Handling

- a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040**.

3. Staff Review and Action

- a. The Community Development Director shall review the application and act to approve or deny the application in accordance with **Section 405.050** and the criteria listed in **subsection C.3.b**.

- b. *Review Criteria*. A record plat shall be reviewed according to the following:
 - (1) It substantially complies with all requirements of this Code;

- (2) It complies with the applicable technical standards and specifications adopted by the City; and
 - (3) It conforms to the approved major or minor preliminary plat, including any conditions of approval. A record plat is not consistent with an approved major or minor preliminary plat if it:
 - (a) Increases the number of buildable lots, dwelling units, or amount of permitted nonresidential development; or,
 - (b) Decreases the number of buildable lots, dwelling units, or the amount of permitted nonresidential development in an area where the Comprehensive Plan recommends increasing development density or intensity, or where achieving a minimum density or intensity of development were factors in the City's discussion or approval of the preliminary plat; or,
 - (c) Modifies the proposed street layout or the location or dimensions of proposed blocks or development areas so as to increase through traffic in residential areas within the subdivision, or so as to increase the length of pedestrian, bicycle, or automobile trips within the subdivision or to or from streets bordering the subdivision; or,
 - (d) Modifies the location of designated open space or an existing or proposed conservation easement so as to increase the distance or decrease usability or attractiveness of the open space or easement area for residents and occupants of the subdivision, or so as to decrease the connectivity of open spaces with adjacent properties outside the subdivision; or,
 - (e) Removes a restriction on property use or modifies a minor adjustment or variance related to the approved minor or major preliminary plat.
4. Post-Decision Actions and Limitations
- a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
 - (1) *Effect of Approval*
 - (a) An approved record plat may be recorded with the St. Charles County Recorder of Deeds, subject to the requirements of **Section 430.040, Filing of Approved Record Plats**.
 - (b) No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the applicable City officials.
 - (2) *Expiration of Approval*. An approved record plat shall expire one year after the date of final approval unless it is recorded with the St. Charles County Recorder of Deeds or an extension is granted pursuant to **Section 405.080**.

Section 405.140 Vacation of Rights-of-Way/Easement Plat

A. Purpose

1. The vacation of right-of-way/easement plat procedure provides a mechanism for vacating rights, interests, or title of the City in and to any right-of-way or easement located in the City.
- B. Applicability
1. This Section shall apply to any request for vacating rights, interests, or title of the City in and to any right-of-way or easement located in the City.
 2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.
- C. Procedure
1. Summary
 - a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.
 2. Application Submission and Handling.
 - a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040**.
 3. Staff Review and Action
 - a. The Community Development Director shall review the application and prepare a staff report and recommendation to the Planning and Zoning Commission in accordance with **Section 405.050**.
 4. Notice and Public Hearings
 - a. The application shall be scheduled for public hearings before the Planning and Zoning Commission and Board of Aldermen and noticed in accordance with **Section 405.060**.
 5. Review and Decision-Making Bodies
 - a. *Planning and Zoning Commission Review and Recommendation*. The Planning and Zoning Commission shall review the application and recommend approval, approval with conditions, or denial in accordance with **Section 405.070** and the criteria listed in **subsection C.5.c**. The Planning and Zoning Commission may also continue the public hearing to a specific date in accordance with **Section 405.070**.
 - b. *Board of Aldermen Review and Decision*. The Board of Aldermen shall review the application and act to approve, by ordinance, or deny the application in accordance with **Section 405.070** and the criteria listed in **subsection C.5.c**. The Board of Aldermen may also continue the public hearing to a specific date in accordance with **Section 405.070**.
 - c. *Review Criteria*. A vacation of right-of-way/easement plat shall be reviewed according to the following:
 - (1) The right-of-way has never been formally opened or used as a City street, has never been used for park or governmental purposes, or has been abandoned and removed;

- (2) All portions of the right-of-way or easement to be vacated are within the City;
 - (3) No land adjoining the right-of-way to be vacated shall be left, as a result of the vacation, without an established public road connecting to another established public road.
6. Post-Decision Actions and Limitations
- a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
 - (1) *Effect of Approval.* An approved vacation of right-of-way/easement plat may be recorded with the St. Charles County Recorder of Deeds, subject to the requirements of **Section 430.040, Filing of Approved Record Plats.**
 - (2) *Expiration of Approval.* An approved vacation of right-of-way/easement plat shall expire one year after the date of final approval unless it is recorded with the St. Charles County Recorder of Deeds or an extension is granted pursuant to **Section 405.080.**

Article V Development Review Procedures

Section 405.150 Master Plan

A. Purpose

1. The master plan procedure is optional and provides a mechanism for review of large or complex development projects and provides the ability to obtain preliminary approval of a development concept before substantial technical work has been undertaken.

B. Applicability

1. This Section applies to all applications for master plan approval. Master plan approval is not required; however, an application may be submitted if at least one of the following criteria is met:
 - a. The site includes a contiguous area of at least five acres;
 - b. The development contains at least 50,000 square feet of nonresidential gross floor area;
 - c. The development contains at least 100 dwelling units.
2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.

C. Procedure

1. Summary
 - a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.
2. Pre-application Meetings
 - a. A pre-application staff meeting and pre-application neighborhood meeting shall be held in accordance with **Section 405.030**.
3. Application Submission and Handling.
 - a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040**.
4. Staff Review and Action
 - a. The Community Development Director shall review the application and prepare a staff report and recommendation to the Planning and Zoning Commission in accordance with **Section 405.050**.
5. Notice and Public Hearings
 - a. The application shall be scheduled for public hearings before the Planning and Zoning Commission and Board of Aldermen and noticed in accordance with **Section 405.060**.
6. Review and Decision-Making Bodies.
 - a. *Planning and Zoning Commission Review and Recommendation*. The Planning and Zoning Commission shall review the application and recommend approval, approval with conditions, or denial in accordance with **Section 405.070** and the criteria listed in **subsection C.6.c**. The Planning

- and Zoning Commission may also continue the public hearing to a specific date in accordance with **Section 405.070**.
- b. *Board of Aldermen Review and Decision.* The Board of Aldermen shall review the application and act to approve, by ordinance, or deny the application in accordance with **Section 405.070** and the criteria listed in **subsection C.6.c**. The Board of Aldermen may also continue the public hearing to a specific date in accordance with **Section 405.070**.
 - c. *Review Criteria.* A master plan shall be reviewed according to the following:
 - (1) The master plan is consistent with the general purpose and intent of this Code;
 - (2) The proposed land uses, densities and intensities are consistent with the Comprehensive Plan and applicable zoning districts;
 - (3) The existing utilities and infrastructure, including but not limited to streets, water, sanitary and storm sewers, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the degree practicable;
 - (4) The proposed development is consistent with the dimensional, design, development, and all other standards of this Code; and
 - (5) The proposed development provides adequate mitigation for anticipated adverse impacts to surrounding neighborhoods and the City.
7. Post-Decision Actions and Limitations
- a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
 - (1) *Effect of Approval.*
 - (a) Approval of a master plan constitutes acceptance of the overall planning concepts and development parameters and authorizes the subsequent submittal of applications for preliminary plats (**Section 405.120**), site plans (**Section 405.160**), and special use permits (**Section 405.170**). It does not authorize specific development activity.
 - (b) All subsequent site plans and preliminary plats shall only be approved if they are consistent with the approved master plan. Applications for preliminary plats or site plans which deviate from the approved master plan may be approved without amending the approved master plan if the Community Development Director determines that the proposed development:
 - (i) Does not increase residential density;
 - (ii) Does not increase nonresidential floor area;
 - (iii) Does not increase the amount of land devoted to nonresidential uses;
 - (iv) Is consistent with the Comprehensive Plan;
 - (v) Complies with all applicable standards of this Code;
 - (vi) Complies with all applicable original conditions of approval; and
 - (vii) Would not result in significant change to the development's general function, form, intensity, character, demand on public

- facilities, and impact on adjacent properties.
- (2) *Expiration of Approval.* An approved master plan shall expire two years after the date of final approval unless:
- (a) An extension is granted pursuant to **Section 405.080**; or
 - (b) A preliminary plat (**Section 405.120**) or site plan (**Section 405.160**) for all or part of the approved master plan is approved.
 - (i) Within one year of approval of a preliminary plat or site plan for the first phase of the development, an application for preliminary plat or site plan must be approved for the next phase, continuing with each successive phase, until preliminary plats or site plans have been approved for all the land subject to the original master plan.
 - (ii) If the applicant fails to receive approval for a preliminary plat or site plan for any phase of the development within the prescribed period, or within any extension granted pursuant to **Section 405.080**, the original master plan shall expire for that phase and for all other phases for which a preliminary plat or site plan has not been approved or no longer remains in effect on the date of expiration.
 - (iii) If an approved preliminary plat or site plan expires, the master plan for that phase shall also expire, and all other phases for which a preliminary plat or site plan has not been approved or is not pending approval, or has lapsed subsequent to approval, on the date of expiration.
- (3) Amendments.
- (a) Minor amendments to an approved master plan may be approved by the Community Development Director provided the Director determines that the following criteria have been met:
 - (i) Does not increase residential density;
 - (ii) Does not increase nonresidential floor area;
 - (iii) Does not increase the amount of land devoted to nonresidential uses;
 - (iv) Is consistent with the Comprehensive Plan;
 - (v) Complies with all applicable standards of this Code;
 - (vi) Complies with all applicable original conditions of approval; and
 - (vii) Would not result in significant change to the development's general function, form, intensity, character, demand on public facilities, and impact on adjacent properties.
 - (b) All amendments to master plans that do not qualify as minor amendments under **subsection (a)** shall be processed as a new application subject to the same procedures and requirements for the original application.

Section 405.160 Site Plan

A. Purpose

1. The site plan procedure describes the process by which proposed development is reviewed for compliance with the development and design standards of this

Code before submittal of an application for improvement plan or issuance of a building permit.

B. Applicability

1. This Section shall apply to the following activities and any activity where it is expressly required or authorized by this Code:
 - a. *Major Site Plan*. Approval of a major site plan is required for the following activities:
 - (1) The construction of one or more new principal structures with a gross floor area of 10,000 square feet or more in aggregate.
 - (2) A building addition to one or more existing principal structures where the gross floor area added is 10,000 square feet or more in aggregate.
 - (3) The installation or addition of 10,000 square feet or more in aggregate of impervious coverage.
 - b. *Minor Site Plan*. Approval of a minor site plan is required for the following activities:
 - (1) The construction of one or more new principal structures with a gross floor area greater than 1,000 square feet and less than 10,000 square feet.
 - (2) A building addition to one or more existing principal structures where the gross floor area added is greater than 1,000 square feet and less than 10,000 square feet.
 - (3) The installation or addition of more than 1,000 square feet but less than 10,000 square feet of impervious coverage.
 - c. *Exceptions*. The following activities are exempt from this Section but are subject to the standards of this Code:
 - (1) Construction of detached houses and duplexes, additions to such dwellings, and structures accessory to such dwellings.
2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsections C-F**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.

C. Minor Site Plan Procedure

1. Summary
 - a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.
2. Application Submission and Handling.
 - a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040**.
3. Staff Review and Action
 - a. The Community Development Director shall review the application and prepare a staff report and recommendation to the Planning and Zoning Commission in accordance with **Section 405.050**.
4. Notice and Public Hearings

- a. The application shall be scheduled for a public hearing before the Planning and Zoning Commission and noticed in accordance with **Section 405.060**.
5. Review and Decision-Making Bodies.
 - a. *Planning and Zoning Commission Review and Decision.* The Planning and Zoning Commission shall review the application and act to approve or deny the application in accordance with **Section 405.070** and the criteria listed in **subsection E**. The Planning and Zoning Commission may also continue the public hearing to a specific date in accordance with **Section 405.070**.
- D. Major Site Plan Procedure
 1. Summary
 - a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.
 2. Pre-application Meetings
 - a. A pre-application staff meeting and pre-application neighborhood meeting shall be held in accordance with **Section 405.030**.
 3. Application Submission and Handling.
 - a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040**.
 4. Staff Review and Action
 - a. The Community Development Director shall review the application and prepare a staff report and recommendation to the Planning and Zoning Commission in accordance with **Section 405.050**.
 5. Notice and Public Hearings
 - a. The application shall be scheduled for public hearings before the Planning and Zoning Commission and Board of Aldermen and noticed in accordance with **Section 405.060**.
 6. Review and Decision-Making Bodies.
 - a. *Planning and Zoning Commission Review and Recommendation.* The Planning and Zoning Commission shall review the application and recommend approval, approval with conditions, or denial in accordance with **Section 405.070** and the criteria listed in **subsection E**. The Planning and Zoning Commission may also continue the public hearing to a specific date in accordance with **Section 405.070**.
 - b. *Board of Aldermen Review and Decision.* The Board of Aldermen shall review the application and act to approve, by ordinance, or deny the application in accordance with **Section 405.070** and the criteria listed in **subsection E**. The Board of Aldermen may also continue the public hearing to a specific date in accordance with **Section 405.070**.
- E. *Review Criteria.* A site plan shall be reviewed according to the following criteria:
 1. The development is consistent with the general purposes and intent of this Code;
 2. The development complies with the applicable zoning district standards; **Chapter 425, Development Standards, Chapter 430, Subdivision and Improvement Standards**; the City's Engineering Standards, including the *Engineering and Plan*

- Preparation Manual for Public Facilities (Title V, Appendix A)*; and all other applicable standards of this Code;
3. The development is consistent with the Comprehensive Plan, other adopted City polices and plans, and any approved master plan that includes the property;
 4. The existing utilities and infrastructure have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the degree practicable;
 5. The development mitigates any adverse impacts on the surrounding area to the degree practical; and,
 6. New structures are compatible in volume, height, material, style and color with the site, surrounding existing structures and the established general character of design in the City.
- F. Post-Decision Actions and Limitations
1. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
 - a. *Effect of Approval*
 - (1) Approval shall authorize the applicant to submit an application for improvement plan (**Section 405.180**) and a building permit, or begin construction or operation if additional permitting is not required.
 - (2) Approved site plans, as amended, shall be binding upon the owner, successors, and assigns. The approved site plan shall limit and control the issuance and validity of all building permits, and shall restrict and limit the construction, location, use, occupancy, and operation of all land and structures within the plan to all conditions, requirements, locations, and limitations set forth in the adopted plan.
 - b. *Expiration of Approval.* A site plan approval shall expire one year after the date of final approval unless the use or construction is substantially underway, as determined by the Community Development Director, or an extension is granted pursuant to **Section 405.080**.
 - c. *Amendments.* Changes to approved site plans which are not considered minor amendments in accordance with **Section 405.080** shall be processed as a new application subject to the minor or major site plan procedure based on the thresholds specified in **subsection B.1**.

Section 405.170 Special Use Permit

A. Purpose

1. The special use permit procedure provides a mechanism for the City to evaluate proposed land uses that may be desirable, necessary, or convenient to the community, but which because of their unique characteristics, may have a potentially greater impact upon neighboring properties or the public than those uses permitted by right.

B. Applicability

1. This Section applies to all applications for a use listed as a special use in **Table 420.040, Table of Allowed Uses**, with the following exceptions:

- a. *Nonconforming Use*
 - (1) Any existing use without a special use permit that was legally established before the effective date of this Code and which after the effective date is located within a zoning district that requires a special use permit for the subject use is a nonconforming use and subject to the requirements of **Chapter 400, Article IV, Nonconformities**.
 - (2) Any proposed expansions or modifications of the use beyond what is permitted in **Chapter 400, Article IV, Nonconformities**, shall require approval of a special use permit in accordance with this Section.
 - b. *Conforming Special Use*
 - (1) Any existing use with a special use permit that was legally established before the effective date of this Code and which after the effective date is located within a zoning district that requires a special use permit for the subject use is a conforming special use and may continue to be operated under the terms of the previously-approved special use permit.
 - (2) Any proposed expansions or modifications of the use will be subject to all applicable standards of this Section.
 - c. *Conforming Permitted Use*
 - (1) Any existing use with a special use permit that was legally established before the effective of this Code and which after the effective date is located within a zoning district that does not require a special use permit for the subject use is a conforming permitted use and is subject to any conditions established as part of the original approval of the special use permit.
 - (2) A request to repeal or modify the existing special use permit and conditions will follow the procedure for a new special use permit.
2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.
- C. Procedure
1. Summary
 - a. Refer to **Table 405.010, Summary Table of Application Procedures**.
 2. Application Submission and Handling.
 - a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040**.
 3. Staff Review and Action
 - a. The Community Development Director shall review the application and prepare a staff report and recommendation to the Planning and Zoning Commission in accordance with **Section 405.050**.
 4. Notice and Public Hearings

- a. The application shall be scheduled for public hearings before the Planning and Zoning Commission and Board of Aldermen and noticed in accordance with **Section 405.060**.
5. Review and Decision-Making Bodies
 - a. *Planning and Zoning Commission Review and Recommendation.* The Planning and Zoning Commission shall review the application and recommend approval, approval with conditions, or denial in accordance with **Section 405.070** and the criteria listed in **subsection C.5.c**. The Planning and Zoning Commission may also continue the public hearing to a specific date in accordance with **Section 405.070**.
 - b. *Board of Aldermen Review and Decision.* The Board of Aldermen shall review the application and act to approve, by ordinance, or deny the application in accordance with **Section 405.070** and the criteria listed in **subsection C.5.c**. The Board of Aldermen may also continue the public hearing to a specific date in accordance with **Section 405.070**.
 - c. *Review Criteria.* A special use permit shall be reviewed according to the following criteria:
 - (1) The proposed special use complies with all applicable provisions of this Code, the City's Comprehensive Plan, any approved master plan that includes the property, and good planning practice.
 - (2) The proposed special use at the specified location will contribute to and promote the general welfare, health, safety and convenience of the public.
 - (3) The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the real property with respect to streets giving access to it are such that the special use will not adversely affect the immediate neighborhood so as to prevent development and use of neighboring property, in accordance with the applicable zoning district regulations. In determining whether the special use will adversely affect the immediate neighborhood, consideration shall be given to:
 - (a) The location, nature and height of buildings, structures, walls and fences on the real property; and
 - (b) The nature and extent of proposed landscaping and screening on the real property.
 - (4) Off-street parking and loading areas will be provided in accordance with the standards set forth in this Code.
 - (5) Adequate utilities, drainage and other such necessary facilities have been, or will be, provided on the real property.
 - (6) Adequate access roads, entrances and exit drives shall be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion on public streets and alleys.
6. Post-Decision Actions and Limitations

- a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
- (1) *Effect of Approval.* Approval shall authorize the applicant to apply for a building permit or begin construction or operation if additional permitting is not required.
 - (2) *Expiration of Approval.*
 - (a) A special use permit shall expire one year after the date of final approval unless the use or construction is substantially underway, as determined by the Community Development Director, or an extension is granted pursuant to **Section 405.080**.
 - (b) If an approved special use is discontinued for one year or more, it may not be reestablished without approval of a new special use permit application.
 - (3) *Revocation.* Upon a finding that an approved special use permit will or has become unsuitable and/or incompatible in its location as a result of any nuisance or activity generated by the use, the Board of Aldermen shall have the authority to revoke the special use permit in accordance with the procedures for a new special use permit.
 - (4) *Amendments*
 - (a) In addition to the minor amendments specified in **Section 405.080**, the following amendments to an approved special use permit may be approved by the Community Development Director:
 - (i) Change in business or trade names, where ownership and nature of business or trade remains the same;
 - (ii) Transfers to another person to operate the same use, in the same building(s), on the same property, and under the same terms of the special use permit;
 - (iii) Amendments to site plans that were approved concurrently with an application for special use permit that do not exceed the thresholds for minor site plan review specified in **Section 405.160**; and
 - (iv) Other changes deemed by the Community Development Director to be similar in nature and/or to have a minimal impact on the operation of the existing use or surrounding area.
 - (b) All amendments to special use permits that do not qualify as minor amendments under **subsection C.6.a.4.(a)** shall be processed as a new application subject to the same procedures and requirements for the original application.

Section 405.180 Improvement Plan

A. Purpose

1. The improvement plan procedure provides a mechanism for the review and approval of technical drawings associated with approved developments and to ensure compliance with this Code and the City's Engineering Standards.

B. Applicability

1. This Section applies to developments that have received approval of a site plan (**Section 405.160**) or preliminary plat pursuant (**Section 405.120**) and that propose the construction of public improvements.
 2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.
- C. Procedure
1. Summary
 - a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.
 2. Application Submission and Handling.
 - a. The application shall be submitted to the Department of Public Works and handled in accordance with **Section 405.040** and the following modification:
 - (1) Applications are subject to the requirements of the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*.
 3. Staff Review and Action
 - a. The Public Works Director shall review the application and act to approve or deny the application in accordance with **Section 405.050** and the criteria listed in **subsection C.3.b**.
 - b. *Review Criteria*. An improvement plan shall be reviewed according to the following criteria:
 - (1) Required infrastructure and utility improvements have been approved by the appropriate agency;
 - (2) It complies with all applicable standards in this Code, including **Chapter 430**, *Subdivision and Improvement Standards*;
 - (3) It complies with the City's Engineering Standards, including the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*;
 - (4) It complies with other applicable City standards and policies; and
 - (5) It complies with requirements and conditions of approval for any prior approvals.
- D. Post-Decision Actions and Limitations
1. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
 - a. *Effect of Approval*. Approval shall authorize the subsequent submittal of an application for building permit or other site-disturbance permits.
 - b. *Required Improvements and Guarantees*
 - (1) Grading
 - (a) Prior to the issuance of a grading permit (**Section 540.031** of the Municipal Code), the applicant shall submit a construction financial guarantee in accordance with **Chapter 430, Article IX**, *Required Improvements and Guarantees*.

- (b) The financial guarantee shall be in an amount equal to the cost of all grading activities and erosion control measures.
- (2) Subdivision Improvements
 - (a) Prior to recording the record plat with St. Charles County, the applicant shall complete or guarantee the completion of required improvements and guarantee maintenance of such improvements in accordance with **Chapter 430, Article IX, Required Improvements and Guarantees**.
- (3) Site Improvements
 - (a) Prior to the issuance of a building permit for any multi-unit, mixed-use, or nonresidential development, the applicant shall submit a construction financial guarantee in accordance with **Chapter 430, Article IX, Required Improvements and Guarantees**.
 - (b) The financial guarantee shall be in an amount equal to the cost of all site improvements including parking lots, lighting, stormwater detention/retention, landscaping, construction debris cleanup and building board-up cost.
 - (c) The required construction financial guarantee may be waived by the Public Works Director in instances where the site improvements are considered to be relatively minor.
- c. *Expiration of Approval.* An improvement plan approval shall expire one year after the date of final approval unless the use or construction is substantially underway, as determined by the Public Works Director, or an extension is granted by the Public Works Director pursuant to **Section 405.080**.

Article VI Development Permit Procedures

Section 405.190 Floodplain Development Permit

A. Purpose

1. The floodplain development permit procedure provides a mechanism for the City to review and approve developments proposed in floodplain areas and to ensure conformance with the provisions of **Chapter 425, Article IX, Floodplain Management**.

B. Applicability

1. This Section applies to all development located within the jurisdiction of the City of Lake Saint Louis identified as numbered and unnumbered A Zones and AE Zones on the Flood Insurance Rate Maps (FIRMs) for St. Charles County on map panels 29183C0215G, 29183C0220G, and 29183C0240G, dated March 9, 2021, as amended, and any future revisions thereto.
2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.

C. Procedure

1. Summary
 - a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.
2. Application Submission and Handling.
 - a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040**.
3. Staff Review and Action
 - a. The Floodplain Administrator shall review the application and act to approve or deny the application in accordance with **Section 405.050** and the standards listed in **Chapter 425, Article IX**, *Floodplain Management*.
4. Post-Decision Actions and Limitations
 - a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
 - (1) *Appeals*. An applicant aggrieved or adversely affected by the decision of the Floodplain Administrator may appeal the decision to the Board of Adjustment in accordance with **Section 405.080** and **Section 405.230**, *Variance*. Appeals and variances are subject to the standards specified in **Section 420.760**, *Floodplain Management Appeal and Variance Procedures*.
 - (2) *Effect of Approval*. Approval shall authorize the applicant to apply for a building permit or begin construction or operation if additional permitting is not required.
 - (3) *Expiration of Approval*. A floodplain development permit shall expire one year after the date of final approval unless the use or construction is substantially underway, as determined by the Floodplain Administrator, or an extension is granted pursuant to **Section 405.080**.

Section 405.200 Sign Permit

A. Purpose

1. The sign permit procedure provides a mechanism for the City to review and approve signs and to ensure conformance with the provisions of **Chapter 425, Article VII**, *Signs*.

B. Applicability

1. No sign shall be displayed, installed, constructed, altered, moved, or improved within the City limits until the City has issued a permit in accordance with this Section, unless the sign or sign activity is designated as not requiring a permit pursuant to **Section 425.500**, *Sign Permits*.
2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.

C. Procedure

1. Summary

- a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.
2. Application Submission and Handling.
 - a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040**.
3. Staff Review and Action
 - a. The Community Development Director shall review the application and act to approve or deny the application in accordance with **Section 405.050** and the standards listed in **Chapter 425, Article VII, Signs**.
4. Post-Decision Actions and Limitations
 - a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
 - (1) *Appeals*
 - (a) Final decisions are not appealable.
 - (b) If an application is denied, the applicant may submit an application for a variance (**Section 405.220**) or an appeal of administrative enforcement (**Section 405.220**).
 - (2) *Effect of Approval*. Approval shall authorize the applicant to display, install, construct, alter, move, or improve the approved signage if additional permitting is not required.
 - (3) *Expiration of Approval*. A sign permit shall expire one year after permit issuance unless the approved signage is displayed, installed, constructed, altered, moved, or improved, as determined by the Community Development Director, or an extension is granted pursuant to **Section 405.080**.

Section 405.210 Storm Sewer Permit

- A. Refer to **Chapter 430, Article VII, Drainage and Stormwater Control Standards**.

Article VII Flexibility and Relief Procedures

Section 405.220 Minor Adjustment

A. Purpose

1. The minor adjustment procedure is intended to allow minor modifications, waivers, or alternatives to strict compliance with the standards of this Code. Minor adjustments are intended to provide greater flexibility when necessary, without requiring a zoning map amendment (**Section 405.100**) or variance (**Section 405.230**).

B. Applicability

1. This Section applies to the following types of requests:
 - a. Modifications of 10 percent or less of any dimensional or numeric standard specified in the following:
 - (1) **Table 410.130.G, Permitted Setback Projections**
 - (2) **Chapter 415, Zoning Districts**
 - (3) **Chapter 420, Use Regulations**

- b. Modifications, waivers, and alternatives to strict compliance with the standards specified in the following:
 - (1) **Chapter 425, Article II**, *Landscape, Screening, and Fencing*
 - (2) **Chapter 425, Article III**, *Parking, Access, and Mobility*
 - (3) **Chapter 425, Article IV**, *Residential Site and Building Design*
 - (4) **Chapter 425, Article V**, *Mixed-Use and Nonresidential Site and Building Design*
 - (5) **Chapter 425, Article VI**, *Exterior Lighting*
 - c. Other types of adjustments where specifically authorized elsewhere in this Code
2. Minor adjustments may only be used to adjust standards on a single lot or two adjacent lots to address unique site constraints.
 3. The minor adjustment procedure shall not apply to any proposed modification or deviation that results in:
 - a. An increase in the overall project density;
 - b. A change in permitted uses or mix of uses;
 - c. A deviation from building or fire codes;
 - d. A deviation from the *Engineering and Plan Preparation Manual for Public Facilities (Title V, Appendix A)*;
 - e. Requirements for public roadways, utilities, or other public infrastructure of facilities; or
 - f. A change to development standards where that same standard was already modified through a separate approval, minor adjustment or variance.
 4. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.
- C. Procedure
1. Summary
 - a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.
 2. Application Submission and Handling.
 - a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040** and the following modifications:
 - (1) An application for a minor adjustment may be submitted and reviewed concurrently with an application for building permit, preliminary plat (**Section 405.120**), site plan (**Section 405.160**), master plan (**Section 405.150**), or special use permit (**Section 405.170**).
 - (2) Multiple adjustments may be considered in one minor adjustment application.
 3. Notice and Public Hearings

- a. If a public hearing and notice is required of the concurrent application as indicated in **Table 405.010**, *Summary Table of Application Procedures*, the application for minor adjustment shall also be scheduled for a public hearing before the applicable decision-making body and noticed in accordance with **Section 405.060**.
4. Review and Decision
 - a. Where the concurrently reviewed application requires review and approval by the Community Development Director or no concurrent application is required, the Director shall review the minor adjustment application and
 - (1) Act to approve or deny the application in accordance with **Section 405.050** and the criteria listed in **subsection C.4.c**; or,
 - (2) Refer the application to the Planning and Zoning Commission. In such case, an application for a minor site plan (**Section 405.160**) shall be required in addition to the application for minor adjustment.
 - b. Where the concurrently reviewed application requires review and approval by the Planning and Zoning Commission or Board of Aldermen, the Commission or Board, as applicable, shall review and decide the minor adjustment application based on the criteria in **subsection C.4.c**.
 - c. *Review Criteria*. A minor adjustment shall be reviewed according to the following criteria:
 - (1) It is consistent with the stated purposes of this Code;
 - (2) It addresses unique aspects of the site or building;
 - (3) It will result in a development quality that is equal to or better than would have been required without the adjustment;
 - (4) It will have no appreciable adverse impact on the health, safety or general welfare of surrounding property owners or the general public; and
 - (5) Any adverse impacts resulting from the minor adjustment will be mitigated to the maximum practical extent.
5. Post-Decision Actions and Limitations
 - a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
 - (1) *Effect of Approval*. Approval of a minor adjustment authorizes only the particular adjustment of standards approved, and only to the subject property of the application.
 - (2) *Expiration of Approval*. A minor adjustment approval shall automatically expire if the concurrent application is denied or expires, is revoked, or otherwise deemed invalid.
 - (3) *Appeal*.
 - (a) An applicant aggrieved by final decisions by staff may appeal the decision to the Planning and Zoning Commission in accordance with **Section 405.250**, *Appeal of Final Decision*.
 - (b) Final decisions by the Planning and Zoning Commission and Board of Aldermen are not appealable.

- (c) If an application is denied by the Planning and Zoning Commission or Board of Aldermen, the applicant may submit an application for a variance in accordance with **Section 405.230**.

Section 405.230 Variance

A. Purpose

1. The variance procedure is intended to provide limited relief from the requirements of this Code where strict application of the standards of this Code would create an unnecessary hardship or practical difficulties preventing the use of the land as otherwise allowed by the Code. The variance procedure is not intended to allow a use in a zoning district where it is not currently permitted, or to alleviate inconveniences or financial burdens imposed on landowners.

B. Applicability

1. This Section applies to all requested variances from the requirements of this Code, except where an alternative process is specified elsewhere in this Code.
2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.

C. Procedure

1. Summary

- a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.

2. Pre-application Meetings

- a. A pre-application staff meeting shall be held in accordance with **Section 405.030**.

3. Application Submission and Handling

- a. The application shall be submitted to the Department of Community Development and handled in accordance with **Section 405.040**.

4. Staff Review and Action

- a. The Community Development Director shall review the application and prepare a staff report for the Board of Adjustment in accordance with **Section 405.050**.

5. Notice and Public Hearings

- a. The application shall be scheduled for a public hearing before the Board of Adjustment and noticed in accordance with **Section 405.060**.

6. Review and Decision-Making Bodies

- a. Board of Adjustment Review and Decision

- (1) The Board of Adjustment shall review the application and act to approve or deny the application in accordance with **Section 405.070** and the criteria listed in **subsection C.6.b**. The Board of Adjustment may also continue the public hearing to a specific date in accordance with **Section 405.070**.

- (2) The concurring vote of at least four members of the Board of Adjustment is necessary to approve a variance.
 - (3) In granting a variance, the Board of Adjustment may impose such conditions and restrictions upon the property benefited by the variance as may be necessary to comply with the standards set out in this Section to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood and to carry out the general purpose and intent of this Code.
- b. Review Criteria
- (1) *Variance Standards.* The Board of Adjustment shall not grant a variance unless it shall, in each case, make specific written findings of fact directly based upon the particular evidence presented to it that support the following conclusions:
 - (a) The variance requested arises from a condition which is unique to the property in question and which is not ordinarily found in the same zoning district and is not created by an action or actions of the property owner or the applicant;
 - (b) The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
 - (c) The strict application of the provisions of this Code from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application and would deprive the applicant of rights commonly enjoyed by other properties in the same district;
 - (d) Granting the requested variance will not confer on the applicant any special privilege that is denied by this ordinance to other land, structures, or buildings in the same district;
 - (e) Granting the variance desired will not violate the general spirit and intent of this Code or not adversely affect the public health, safety, order, convenience or general welfare of the community.
 - (2) *Review Considerations.* In determining whether the evidence presented supports the conclusions required by this Section, the Board of Adjustment shall consider the extent to which the evidence demonstrates that:
 - (a) The particular physical surroundings, shape or topographical condition of the property involved would result in a practical difficulty or unnecessary hardship upon or for the owner, lessee or occupant, as distinguished from a mere inconvenience, if the provisions of this Code were literally enforced;
 - (b) The request for a variance is not based exclusively upon the desire of the owner, lessee, occupant or applicant to secure a greater financial return from the property;

- (c) The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the property is located; and
 - (d) The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.
7. Post-Decision Actions and Limitations
- a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modification:
 - (1) *Notice of Decision.* The Board of Adjustment shall render a written decision on an application for a variance without unreasonable delay and in no case after more than 30 days following the public hearing.
 - (2) *Effect of Approval.* Approval shall authorize the applicant to apply for a building permit or begin construction or operation if additional permitting is not required.
 - (3) *Appeal.* Any person or persons, or any officer, department, or board of the City jointly or severally aggrieved by the decision of the Board of Adjustment regarding the variance, may, within 30 days of the issuance of the decision of the Board, present to the circuit court of St. Charles County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality in accordance with appropriate state statute.
 - (4) *Expiration of Approval.* A variance shall expire one year after the date of final approval unless the use or construction is substantially underway, as determined by the Community Development Director, or an extension is granted pursuant to **Section 405.080**.
 - (5) *Amendments*
 - (a) Amendments to approved plans that decrease the degree of the approved variance may be classified as a minor amendment in accordance with **Section 405.080**, and may be approved by the Community Development Director without the need for a new application.
 - (b) Changes to approved plans that increase the degree of the approved variance shall be considered a major amendment in accordance with **Section 405.080** and shall be processed as a new application subject to the same procedures and requirements for the original application.

Article VIII Appeal Procedures

Section 405.240 Appeal of Administrative Enforcement

A. Purpose

1. To consider appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Code or of any ordinance adopted pursuant to this Code.

B. Applicability

1. This Section applies to appeals of administrative actions which may be taken by any person aggrieved, by any neighborhood organization as defined in Section 32.105 RSMo., as amended, representing such person, or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer in accordance with the requirements of Sections 89.100 - 89.110, RSMo., as amended.
2. Appeals of final decisions by staff and the Planning and Zoning Commission on specific applications shall follow the procedures in **Section 405.250, *Appeal of Final Decision***.
3. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.

C. Procedure

1. Summary
 - a. Refer to **Table 405.010, *Summary Table of Application Procedures***.
2. Application Submission and Handling.
 - a. The application shall be submitted and handled in accordance with **Section 405.040** and the following modifications:
 - (1) *Application Content*
 - (a) The aggrieved party shall file an appeal with a written statement specifying the grounds for appeal and perceived error in the administration or interpretation of the Code.
 - (b) The appeal submission shall also include all papers constituting the record upon which the appealed action was taken.
 - (2) *Submittal Deadline*. The appeal shall be filed with the Community Development Director or Public Works Director, as applicable, within 15 days of when the decision or judgment being appealed was made.
 - (3) *Stay of Proceedings*. The filing of a complete application for appeal stays all proceedings in furtherance of the action appealed, unless the official whose decision is being appealed certifies to the Board of Adjustment, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to, or poses irreparable harm to, life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record.
3. Staff Review and Action

- a. The Community Development Director or Public Works Director, as applicable, shall review the application and prepare a staff report and recommendation to the Board of Adjustment in accordance with **Section 405.050** and the following modification:
 - (1) The Community Development Director or Public Works Director, as applicable, shall transmit to the Board of Adjustment all papers constituting the record upon which the action appealed is taken.
4. Notice and Public Hearings
 - a. The application shall be scheduled for a public hearing before the Board of Adjustment and noticed in accordance with **Section 405.060**.
5. Review and Decision-Making Bodies
 - a. Board of Adjustment Review and Decision
 - (1) The Board of Adjustment shall review the application and act to approve or deny the application in accordance with **Section 405.070** and the criteria listed in **subsection C.5.b**. The Board of Adjustment may also continue the public hearing to a specific date in accordance with **Section 405.070**.
 - (2) The Board of Adjustment shall grant the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.
 - (3) The Board of Adjustment may affirm or reverse, wholly or partly, or modify the order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Community Development Director or other administrative official.
 - (4) The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Community Development Director or other administrative official.
 - b. Review Criteria
 - (1) An appeal of administrative enforcement shall be reviewed according to the following criteria:
 - (a) The facts stated in the application, as presented by the appellant and/or the Community Development Director or other administrative official;
 - (b) The requirements and intent of the applicable standards from this Code compared to the written decision that is being appealed;
 - (c) Evidence related to how the applicable standards from this Code have been administered or interpreted in the past; and
 - (d) Consistency with the Comprehensive Plan.
6. Post-Decision Actions and Limitations
 - a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:

- (1) *Notice of Decision.* The Board of Adjustment shall render a written decision on the appeal without reasonable delay, and in all cases within 60 days after the close of the public meeting.
- (2) *Appeal.* Any person or persons, or any officer, department, or board of the City jointly or severally aggrieved by the decision of the Board of Adjustment regarding the appeal, may, within 30 days of the issuance of the decision of the Board, present to the circuit court of the county a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality in accordance with appropriate state statute.
- (3) *Effect of Approval*
 - (a) The decision of the Board of Adjustment shall have the same effect as the original administrative enforcement action being appealed.
 - (b) Decisions of the Board of Adjustment shall be subject to judicial review in the manner provided by the applicable Missouri Statutes.
- (4) *Expiration of Approval.* The period of validity of an approved appeal of administrative enforcement shall not expire.

Section 405.250 Appeal of Final Decision

A. Purpose

1. To consider appeals by applicants aggrieved by final decisions of City staff or the Planning and Zoning Commission.

B. Applicability

1. This Section applies to appeals of final decisions by City staff and the Planning and Zoning Commission on applications identified authorized by this Chapter and identified in **Table 405.010**, *Summary Table of Application Procedures*.
2. Applications are subject to the common procedures identified in **Article II** unless otherwise modified in **subsection C**. In the event of conflict between the common procedures contained in **Article II** and the application-specific procedures and requirements contained in this Section, the application-specific procedures and requirements in this Section shall govern.

C. Procedure

1. Summary

- a. Refer to **Table 405.010**, *Summary Table of Application Procedures*.

2. Application Submission and Handling.

- a. The application shall be submitted to the Department of Community Development or Department of Public Works, as applicable, and handled in accordance with **Section 405.040** and the following modifications:

(1) Application Content

- (a) The following persons and entities shall have standing to appeal the action of City staff or the decision-making body: the applicant for the original application; the Community Development Director, on behalf of any public official, department or agency; any owner of land that is the

subject of the action or proposed action; and any person given the right of appeal by law.

- (2) Submittal Deadline
 - (a) Appeals shall be filed with the Community Development Director or Public Works Director, as applicable, within 15 days of when a final decision was made.
- (3) Burden of Proof
 - (a) The person or group of persons making the appeal shall have the burden of proving the necessary facts to warrant approval of an appeal by the appropriate appellate body. Such proof shall include applicable specific references within this Code, and shall be provided at the time of application.
3. Staff Review and Action
 - a. The Community Development Director or Public Works Director, as applicable, shall review the application and prepare a staff report to the appellate body in accordance with **Section 405.050** and the following modifications:
 - (1) Staff review of the appeal shall only confirm that the application is complete and that the appeal is heard by the appropriate authority.
 - (2) The staff report shall not make a formal recommendation and shall only include the necessary facts to warrant an appeal, which shall be provided by the applicant.
4. Notice and Public Hearings
 - a. If a public hearing and notice was required of the original application as indicated in **Table 405.010**, *Summary Table of Application Procedures*, the application shall be scheduled for a public hearing before the appellate body and noticed in accordance with **Section 405.060** and the following modification:
 - (1) The applicant of the original application shall be provided mailed notice of the appeal in accordance with **Section 405.060** if he/she is not the person filing the appeal.
5. Review and Decision-Making Bodies.
 - a. *Review and Decision.* The appellate body shall review the application and act to approve or deny the application in accordance with **Section 405.070** and the criteria listed in **subsection C.5.b**. The appellate body may also continue the public hearing to a specific date in accordance with **Section 405.070**.
 - b. *Review Criteria.* An appeal of final decision shall be reviewed according to the application-specific review criteria for the original application.
6. Post-Decision Actions and Limitations
 - a. The post-decision actions and limitations in **Section 405.080** shall apply with the following modifications:
 - (1) *Appeal.*

- (a) An applicant aggrieved or adversely affected by the decision of the Planning and Zoning Commission may appeal the decision to the Board of Aldermen by submitting a new application in accordance with the procedures and requirements of this Section.
- (b) A party aggrieved or adversely affected by the decision by the Board of Aldermen or Board of Adjustment may seek review of the decision in the courts in accordance with state law.
- (2) *Effect of Approval.* The decision of the appellate body shall have the same effect as the original decision.
- (3) *Expiration of Approval.* The period of validity of an approved appeal of final decision shall not expire.

Article IX Urban Redevelopment

Section 405.260 Title, Designation and Authority

- A. This article shall be known and may be cited and referred to as the "Lake Saint Louis Urban Redevelopment and Procedures Ordinance". Authority for the enactment of this article is derived from Article VI, Section 21 and Article X, Section 7 of the Missouri Constitution, as well as Chapter 353, Revised Statutes of Missouri (2000), as amended, ("Chapter 353"), the Urban Redevelopment Corporations Law.

Section 405.270 Preparation of Blighting Analysis

- A. The Board of Aldermen may authorize the City Administrator to prepare a blighting analysis or to select a planning consultant to prepare a blighting analysis evidencing conditions of blight existing within an area. Such blighting analysis may be used by the Board of Aldermen to determine if the area qualifies as a blighted area under Chapter 353 or any other economic development or redevelopment law of the State of Missouri, providing for the clearance, replanning, reconstruction or rehabilitation of a blighted area.

Section 405.280 Invitation to Submit Proposed Development Plans

- A. Submission of proposal for development plans within the Chapter 353 Area shall be subject to the following process:
 - 1. Published notice
 - a. Upon request by the Community Development Director, the City Clerk shall publish a notice in the newspaper of general circulation inviting, and the City may otherwise request, the submission of proposed development plans in accordance with **Section 405.290, *Development Plan Contents***, regardless of whether the Board of Aldermen has, at the time of publication, determined that such area qualifies as a blighted area.
 - b. Such notice shall provide that proposed development plans must be submitted to the City within no less than 30 days nor more than 90 days following publication of such notice.

- c. If the Board of Aldermen rejects all proposed development plans, or if none are submitted, the Board of Aldermen may direct the City Clerk to publish notice again and the period of submission of proposed development plans shall begin anew. Such notice shall be sufficient if it states that the City will consider one or more municipal finance incentives provided under state law in connection with the proposed project.
2. Submitting parties
 - a. Notwithstanding anything to the contrary in **subsection A.1**, a party that meets the following criteria may submit a development plan for such site or portion thereof to the City at any time, regardless of whether an invitation to submit proposed development plans for such site has been published pursuant to **subsection A.1**:
 - (1) Has previously responded to a request for redevelopment proposals for a specific site in the City; and
 - (2) Has previously been designated by the Board of Aldermen as the developer for such specific site or portion thereof.

Section 405.290 Development Plan Contents

- A. Submission of a development plan shall comply with the following requirements:
 1. Filing fee
 - a. Any party submitting a development plan for review shall submit the number of copies designated by the Community Development Director and shall submit a nonrefundable filing fee to the City of the amount to be determined by the Board of Aldermen to be used by the City to defray the expenses connected with the evaluation and review of the proposed development plan.
 2. Development Plan requirements
 - a. A development plan shall contain at least the following information and data:
 - (1) *Legal description and plat.* A legal description of the area by metes and bounds or other definite designation and a scaled plat of the area;
 - (2) *Design plan.* A narrative description and preliminary design plan of the proposed redevelopment project and schematic drawings and elevations describing the general location of structures, height, size and scale of structures, proposed land uses, open spaces, building materials, general landscaping and traffic circulation;
 - (3) *Project phases.* A statement of the various phases, if more than one is intended, by which the redevelopment project is proposed to be constructed or undertaken, and the approximate time limit for the commencement and completion of each phase, together with a legal description, or other definite designation, of the real property to be included in each phase;
 - (4) *Unit specifications; availability.* A statement of the character, type and quality of construction, and where applicable, the approximate number of units, the square footage of the various units, approximate rentals and

- approximate date of availability of the proposed units to be offered during the construction by each phase, if at all, or upon completion of the redevelopment project;
- (5) *Property to be demolished.* A statement of the existing buildings or improvements in the blighted area proposed to be demolished, in whole or in part, if at all, and an estimate of the timing of such demolition;
 - (6) *Building rehabilitation.* A statement of existing buildings to remain, if any, the proposed improvements to each such building to remain and the approximate period of time during which such improvements, repairs or alterations are to be made;
 - (7) *New construction.* A statement of the general type, size, number, character and materials of each new industrial, commercial, residential or other building or improvement to be erected or made and the estimate of the timing of such construction;
 - (8) *Open space and other amenities.* A statement of those portions, if any, of the blighted area which may be permitted or will be required to be left as open space or improved with other amenities, the use to which each such space is to be put, the period of time each such space will be required to remain an open space or used for other amenities and the manner in which it will be improved and maintained;
 - (9) *Property for public agencies.* A statement of those portions, if any, of the area which are proposed to be sold, donated, exchanged or leased to any public agency and an outline of the terms of such proposed sale, donation, exchange or lease;
 - (10) *Zoning changes.* A statement of the proposed changes, if any, in the Zoning Ordinance or zoning map, necessary or desirable for the redevelopment project and its protection from blighting influences;
 - (11) *Street changes.* A statement of the proposed changes in streets or street levels and proposed street closings within, adjacent to, or in the proximity of the area, if any;
 - (12) *Utility changes.* A statement of the changes, if any, which will be required in utility sources to accommodate the redevelopment project and changes, if any, in utility lines, easements, or locations;
 - (13) *Acquisition plan, eminent domain.* A statement giving: (i) the legal description, or other definite designation, of the real property owned or under option or contract to purchase by the corporation or its agent or affiliates; (ii) where known, or in the event the parties are unable to conclude a voluntary conveyance, designation of the real property proposed to be acquired by eminent domain by the corporation; and (iii) the time schedule for acquisition by either negotiated purchase or exercise of the power of eminent domain;
 - (14) *Eminent domain by City.* A statement giving the legal description of the real property, if any, proposed to be acquired by the City on behalf of

the corporation, the terms and conditions for such acquisition, and the reasons why the aid of the City is sought for this purpose;

- (15) *Financing.* A detailed statement of the proposed method of financing the redevelopment project which shall set forth the estimated development costs of the project and the proposed sources of funds, debt and equity, to meet such estimated costs; a signed letter of commitment from the financing entity evidencing that construction financing has been approved for the redevelopment project (which letter may be conditioned upon and subject to completion of final plans and specifications, final approval by the City of the development plan, negotiation of the development contract and such other standard conditions as are found in construction financing commitment letters); a detailed statement of the projected revenues and expenses during the first five years in which the project is in operation; and the assurances, including performance bonds, if any, to be given to the City by the corporation and its affiliates for the corporation's performance of its obligations;
- (16) *Management.* A list of the persons proposed to be active in or associated with the management of the redevelopment project during a period of at least two years following completion of construction and a list of the officers, directors and principal stockholders of the corporation;
- (17) *Qualifications.* A statement detailing the experience and qualifications of the person or corporation, including any principals, submitting the proposed development plan and proposed to be actively involved in the overall direction and implementation of the redevelopment project;
- (18) *Public property.* A statement listing any real property in the area in public use or belonging to the City, county, state or any political subdivision, thereof, together with a statement that the consent of such entity, other than City, has been obtained for the acquisition of such property if such property is to be acquired; and
- (19) *Relocation.* A statement of the proposed plan, if any, for the relocation of those persons who will be displaced by the redevelopment project and the estimated costs thereof.
- (20) *Other information.* The development plan may also contain such other statements or exhibits as may be deemed relevant by the corporation or is requested by the Board of Aldermen.

Section 405.300 Supporting Evidence of Blight

- A. Any application for approval of a development plan shall be supported by factual evidence of blight that:
 1. Relates to the area generally;
 2. Relates to each specific property proposed to be acquired by the corporation;

3. Is sufficient to show that, by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, the properties involved have become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes; and
4. Is sufficient to support a finding of blight by the Board of Aldermen, in compliance with state law.

Section 405.310 Public Hearing

- A. At such time as determined by the City following the final date for submission of proposed development plans, and if a proposed development plan, or more than one such plan, has been submitted, the City Clerk shall publish notice in a paper of general circulation notifying all interested parties in the proposed development plan(s) that a public hearing will be held on a date and time certain, provided that the public hearing shall not be held less than 15 days prior to nor more than 30 days following publication of the notice provided for in this section.
- B. At the public hearing, interested parties shall be afforded an opportunity to comment on the proposed grant of rights or powers to a corporation with respect to a blighted area including, but not limited to, eminent domain.
- C. In addition, if real property tax abatement is included in a proposed development plan, the City shall furnish each political subdivision whose boundaries for ad valorem taxations purposes include any portion of the real property to be affected by such tax abatement or exemption with a written statement of the impact on ad valorem taxation such tax abatement or exemption will have on such political subdivision and a written notice of the public hearing to be held pursuant to this section. The written statement and notice required by this section shall be mailed to each political subdivision by registered or certified mail, postage prepaid, return receipt requested, at least 10 days prior to the hearing.

Section 405.320 Preliminary Approval of Development Plan

- A. Upon receipt of a proposed development plan containing the information as required in **Section 405.290**, *Development Plan Contents*, the Board of Aldermen shall review the submitted material in accord with the following provisions:
 1. The Board of Aldermen may request, and receive, clarification of any proposed development plan. The Board of Aldermen in its discretion, may waive any irregularity or omission in any proposed development plan;
 2. Following the public hearing, the Board of Aldermen shall consider the merits of the proposed development plan(s) and, in its discretion, by resolution, preliminarily, either:
 - a. Approve a development plan as proposed,
 - b. Approve a development plan with modifications and conditions, or
 - c. Disapprove a proposed development plan;
 3. Following preliminary Board of Aldermen approval, the person or corporation submitting the proposed development plan shall file evidence with the City Clerk

that it is a lawfully organized corporation and that such corporation is in good standing existing under Chapter 353.

Section 405.330 Final Approval of Development Plan

- A. Final approval of a proposed development plan shall be by ordinance. The ordinance approving a development plan shall contain:
1. A finding that the area qualifies as a blighted area, and that the clearance, redevelopment, replanning, rehabilitation or reconstruction thereof is necessary for public convenience and necessity and constitutes a public purpose;
 2. A finding that construction of the redevelopment project is necessary for the preservation of the public peace, property, health, safety, morals and welfare;
 3. If the Board of Aldermen so determines, the finding and declaration that the exercise of the power of eminent domain by the corporation is necessary to accomplish the purposes of the redevelopment project and is in the best interests of the City;
 4. Authority for the Mayor to enter into a development contract on behalf of the City with the corporation;
 5. A designation of the time within which all real property in the blighted area must be acquired by the corporation, which may include acquisition by phases, and provision for the expiration of development rights including the right of eminent domain in the event of failure of the corporation to acquire ownership of the real property within the blighted area within the time limits specified;
 6. A provision limiting the use of the blighted area to the use(s) described in the approved development plan for a period of years;
 7. Such other matters as may be deemed relevant by the Board of Aldermen, including, but not limited to, liquidated damages and amount of performance and payment bonds, if any; and
 8. If the Board of Aldermen so determines, a provision authorizing that any surplus earnings in excess of the rate of net earnings provided in Chapter 353 may be held by the corporation as a reserve for maintenance of such rate of return in the future and may be used by the corporation to offset any deficiency in such rate of return which may have occurred in prior years; or to be used to accelerate the amortization payments; or for the enlargement of the redevelopment project; or for reduction in rentals therein.

Section 405.340 Tax Abatement

- A. Subject to approval of a development plan and other provisions of this Article, the general ad valorem taxes on real property within the Chapter 353 Area may be abated subject to the following:
1. The real property of a corporation acquired pursuant to this article shall not be subject to assessment or payment of general ad valorem taxes imposed by the City, or by the state or any political subdivision thereof, for a period of not in excess of 10 years after the date upon which such corporation becomes owner of

such real property, except to such extent and in such amount as may be imposed upon such real property during such period measured solely by the amount of assessed valuation of the land, exclusive of improvements, acquired pursuant to this article and owned by such corporation, as was determined by the county assessor for taxes due and payable thereon during the calendar year preceding the calendar year during which the corporation acquired title to such real property; and the amounts of such tax assessments shall not be increased during such period so long as the real property is owned by an urban redevelopment corporation and used in accordance with the development plan authorized by the Board of Aldermen.

2. In the event, however, that any such real property was tax exempt immediately prior to ownership by any urban redevelopment corporation, such assessor shall, upon acquisition of title thereto by the corporation, promptly assess such land, exclusive of improvements, at such valuation as shall conform to but not exceed the assessed valuation made during the preceding calendar year of other land, exclusive of improvements, adjacent thereto or in the same general neighborhood, and the amount of such assessed valuation shall not be increased during the period set pursuant to this Section so long as such real property is owned by such corporation and used in accordance with the development plan and approved by the Board of Aldermen.
3. For the next ensuing period not in excess of 15 years, ad valorem taxes upon such real property shall be measured by the assessed valuation thereof as determined by such assessor upon the basis of not to exceed 50% of the true value of such real property, including any improvements thereon, nor shall such valuations be increased above 50% of the true value of such real property from year to year during such next ensuing period so long as the real property is owned by the corporation and used in accordance with an authorized development plan.
4. After a period totaling not more than 25 years, such real property shall be subject to assessment and payment of all ad valorem taxes, based on the full true value of the real property; provided that after the completion of the redevelopment project as authorized by law or ordinance whenever any corporation shall elect to pay full taxes, or at the expiration of the period, such real property shall be owned and operated free from any of the conditions, restrictions or provisions of this section, the approving ordinance and any rule or regulation adopted pursuant to this article.
5. Notwithstanding any other provision of law to the contrary, payments in lieu of taxes may be imposed by contract between the City and the corporation which receives tax abatement or exemption on property pursuant to Chapter 353. Such payment shall be made to the collector of revenue of St. Louis County by December 31 of each year that payments are due. The Board of Aldermen shall furnish the collector a copy of such contract requiring payment in lieu of taxes. The collector shall allocate all revenues received from such payment in lieu of

taxes among all taxing authorities whose property tax revenues are affected by the exemption or abatement on the same pro rata basis and in the same manner as the ad valorem property tax revenues received by each taxing authority from such property in the year such payments are due.

Section 405.350 Acceptance by Corporation

- A. Authorization for the urban redevelopment corporation to proceed with the redevelopment plan shall be subject to the following:
1. Upon enactment of an ordinance approving a development plan, the City shall enter into a development contract with the corporation pursuant to the terms and conditions set forth in this article and the ordinance approving the development plan. The corporation shall not have any of the benefits of the ordinance approving the redevelopment plan until it has executed the development contract, by its duly authorized officers.
 2. A copy of the development contract between the City and the corporation for carrying out the development plan shall be recorded by the corporation in the office of the St. Charles County Recorder of Deeds and proof of such recording shall be filed with the City Clerk. True copies of the development plan approved by the Board of Aldermen by ordinance shall be retained with the authorizing ordinance by the City Clerk.

Section 405.360 Compliance with other City Ordinances

- A. Prior to the commencement of an approved redevelopment project, the corporation shall comply with all other applicable ordinances, including without limitation, as necessary, all procedures for rezoning, subdivision approval, street vacation and establishment.
- B. The corporation shall pay when due and payable all such fees, licenses and other charges required by the ordinances of the City applicable to such corporation or the redevelopment project to be undertaken.

Section 405.370 Monitoring of Compliance, Time Extensions, and Certification of Completion

- A. Building Permits
1. In the event an ordinance approves a development plan for a blighted area, no building permit for construction in the area shall be issued unless the building plans are found by the Community Development Director to be in substantial compliance with the approved development plan, as same may have been amended, modified or changed by ordinance, for the period during which the development plan is in effect, and in compliance with all other applicable City ordinances.
- B. Investigation and Reports
1. It shall be the duty of the Community Development Director, after a development plan has been approved by the Board of Aldermen, to investigate and determine from time-to-time during construction of the redevelopment project whether the

corporation undertaking such development plan is fully complying with the provisions thereof and its development contract with the City, and all other applicable City ordinances, in the manner and at the times fixed therein for the performance of the various phases thereof. The Community Development Director shall make periodic reports to the Board of Aldermen and the Mayor regarding same.

C. Time Extension

1. The Board of Aldermen may, for good cause shown, grant to a corporation operating under an approved development plan an extension of time in which to complete the redevelopment project, or any phase, state or portion thereof.

D. Recommendation of Certification

1. When a corporation operating under an approved development plan shall have completed the redevelopment project, or any phase thereof, in accordance with the provisions of the development plan and all applicable City ordinances, the Community Development Director, upon the written request of such corporation, shall conduct an investigation, and if the Community Development Director determines that the redevelopment project or such phase thereof has been so completed, he shall recommend to the Board of Aldermen that a certificate of full compliance in recordable form be issued to such corporation for such phase or for the entire redevelopment project, as the case may be.
2. In the event it is determined that the redevelopment project or any phase thereof has not been so completed, then the Board of Aldermen shall give notice by certified mail, return receipt requested, to the corporation stating the reasons for the finding that there has not been substantial compliance.

Section 405.380 Conveyance of Property

- A. A corporation may sell or otherwise dispose of any or all of the real property acquired by it for the purpose of a redevelopment project. Any such conveyance or other disposition shall be subject to the terms of the approved development plan and development contract.

Section 405.390 Remedies

- A. Whenever any corporation operating under, or availing itself of the benefits of, a development plan, does not substantially comply with the development plan and the development contract with the City within the time limits and in the manner as therein stated, reasonable delays caused by unforeseen circumstances beyond their control alone excepted, or shall do or permit to be done anything in violation of the development plan, the development contract or this article, or omits to do anything required of it by the development plan, the development contract or this article, or shall be about so to do, permit to be done, or fail or omit to have done, then suit may be filed by the City for injunctive relief and/or for damages against the corporation for breach of any of the terms, conditions and covenants of the development plan, the development contract or this article. The Board of Aldermen may elect to terminate a

development contract for nonperformance or breach by the corporation. In the event the City prevails in any action hereunder, it shall recover all of its attorney's fees, costs and damages arising out of such action.

Section 405.400 Acceptance of Application of State Enabling Act

- A. The provisions of Chapter 353, RSMo., are hereby accepted and shall apply to all persons and corporations operating under this article insofar as the same may be applicable thereto.