1003.300 Procedure for Amending the Zoning Ordinance.


This section contains procedures for amending this Chapter, zoning district boundaries or classification of property. Included are regulations for the filing of petitions, required public hearing notices, and powers of the Planning Commission and the County Council in revising requested changes.

2. Whenever the public necessity, convenience, general welfare, and good zoning practice require, the County Council may, after a public hearing and report thereon by the Planning Commission and subject to the procedure provided in this Section, amend, supplement, or change the regulations, zoning district boundaries or classification of property now or hereafter established by this Chapter. The Planning Commission may hold a public hearing on a petition for a change of zoning to an "R" Residence District, and a petition for a Planned Environment Unit Permit at the same public hearing and on the same parcel of land, and make recommendations thereon. The Planning Commission may hold a public hearing on a petition for a change of zoning and a petition for a Conditional Use Permit or a Landmark and Preservation Procedure, or a Commercial-Industrial Designed Development, at the same public hearing and on the same parcel of land, and make recommendations thereon. Amendment, supplement, reclassification or change may be initiated by a resolution of intention by the Planning Commission or the County Council, or by a verified application of one or more of the owners or authorized representatives of the owners of property within the area proposed to be changed. If an application for the amendment, supplement, or change of any property is denied, no subsequent application requesting the same classification or Conditional Use Permit of or with reference to the same property or part thereof shall be filed with the Department of Planning within 12 months from the date of the receipt and filing by the County Council of the Planning Commission's report on the application. If a bill granting or denying the application is not introduced in the County Council within ninety days (90) after a report thereon by the Planning Commission is received by the County Council at a regular meeting, it shall be deemed denied unless extended by resolution of the County Council during the ninety day (90) period. No ordinance relating to zoning or special procedure which is contrary to a recommendation of a majority of the members of the Planning Commission shall be adopted by the County Council, except by an affirmative vote of two-thirds of the members of the County Council. No provision herein shall be construed to prevent the County Council from initiating the procedure provided in this section by a resolution of intention at any time. (O.No. 13331 - Adopted 6/11/87).

3. Petition for Change of Zoning.

(1) Petitions for any change of zoning district boundaries or any reclassification of districts, as shown on the zoning district maps, shall be addressed to the County Council and filed with the Director of Planning in the Office of the St. Louis County Planning Commission, upon forms prescribed for that purpose by the Commission and accompanied by such data and information so as to assure the fullest practicable presentation of facts. At the time the petition is filed, the fees established by this ordinance shall be paid to St. Louis County.

(2) Each such petition, other than those initiated by the Planning Commission or the County Council, shall be verified by at least one of the owners or authorized representatives of the owners of property within the area proposed to be changed, attesting to the truth and correctness of all facts and information presented therein.

(3) The Planning Department shall, within fifteen (15) calendar days of receipt of any petition for rezoning or special procedure permit accompanied by the appropriate filing fees, notify in writing all parties of interest as named in the petition, including the project engineer, architect, and developer, as applicable, either that the petition is certified as meeting all pertinent requirements and will be scheduled for hearing by a specified date or specifically in what manner the petition does not comply with minimum petition submission requirements. If the Department does not respond in writing within fifteen (15) days, the petition shall be deemed accepted and shall be
scheduled for public hearing within the period established by the applicable provisions of this Chapter. If the petition has been determined not to comply with minimum petition requirements, the parties so notified shall be required to submit additional information or otherwise correct any noted deficiencies within fifteen (15) days from receipt of the Department’s letter. If the deficiencies are not corrected within the fifteen (15) day period, the Department shall return the petition to the petitioner and recommend to the County Council that the filing fees be refunded.

4. **Hearing Date-Notice-Posting of Signs.**

Upon filing with the Director of Planning a petition to amend, supplement or change the regulations, zoning district boundaries or classification of property now or hereafter established, or upon initiation of a resolution of intention by the Planning Commission or the County Council, a public hearing shall be set before the Planning Commission within ninety (90) days. The Director of Planning shall:

(1) Cause public notice of hearing to be given as follows: publication at least once in some daily, tri-weekly, semi-weekly, or weekly newspaper of general circulation in St. Louis County which shall have been published regularly and consecutively for a period of three (3) years. Publication shall commence not more than thirty (30) nor less than fifteen (15) days before the hearing date. Every affidavit of proof of publication shall state that said publication and the newspaper in which notice was published have met the requirements of the foregoing provisions and those of Chapter 493 R.S.Mo. 1978, as amended, governing legal publications, notice, and advertisement. Notice shall contain, in addition to the legal description of the parcel of land, the approximate street location or address, when possible, the name of the person seeking the zoning change, and the present zoning district classification and the zoning district classification sought.

(2) Cause a sign or signs, not less than thirty-six (36) inches by thirty-six (36) inches, to be placed on each parcel of land on which an application for a zoning district change has been filed with the Planning Commission. Said sign or signs shall be placed on such land at least fifteen (15) days prior to the public hearing to be held by the Planning Commission, and shall be posted in a conspicuous place upon said land at a point nearest to the right-of-way of any street or roadway abutting such land, and so as to be clearly visible to the traveled portion of such street or roadway. The Director of Planning shall determine the number of additional signs to be placed that may be necessary to carry out the intent of this ordinance. Any such sign shall bear thereon, the following: "PUBLIC HEARING" ST. LOUIS COUNTY PLANNING COMMISSION (insert date and time) IN THE COUNTY GOVERNMENT CENTER, CLAYTON, MISSOURI, 63105". The Planning Director may provide for such additional information to be placed on any such sign which would serve to fully inform the public as to the nature of such a zoning change pending before the Planning Commission. (Resolution No. 3757 - Adopted 7/29/93).

(3) Cause mailing a notification of public hearing to be sent as follows: to trustees of subdivisions in the voluntary County database within one-half mile of the parcel of land on which an application for a zoning district change or special procedure has been filed with the Planning Commission. The mailing will also be sent to both the property address and owner of record of parcels within one thousand feet of the parcel of land on which an application for a zoning district change or special procedure has been filed with the Planning Commission.(O. No. 25772 – Adopted 5/14/14.)

5. **Penalty for Removal or Defacement of Signs.**

Any person or persons, firm, association, or corporation, who shall remove, mar, scratch, obliterate or in any manner deface, hide from view or tamper with any such sign or signs shall be deemed guilty of a violation of this Ordinance and upon conviction shall be punished as provided for in Section 1003.410 of this Ordinance.
6. **Notice Required.**

Amendments to the Zoning Ordinance that are of a general nature, and not pertaining to a specific property as in the case of a change in the boundaries of a zoning district, shall require publication of notice at least once in some daily, tri-weekly, semi-weekly, or weekly newspaper of general circulation in St. Louis County which shall have been admitted to the post office as second class matter and shall have been published regularly and consecutively for a period of three (3) years. Publication shall commence not more than thirty (30) nor less than fifteen (15) days before the hearing date. Every affidavit of proof of publication shall state that said publication and the newspaper in which notice was published have met the requirements of the foregoing provisions and those of Chapter 493 R.S.Mo. 1978, as amended, governing legal publications, notice and advertisement. Public notice for such general amendments shall not require posting of any signs. It shall not be necessary to publish notice or hold public hearings on amendments to this Chapter pertaining to procedural matters and to the duties and powers of officials, officers, boards, commissions, and bureaus in carrying out the regulations of this Chapter.

7. **Additional Notice.**

The Director of Planning shall, not less than twenty (20) days before the date of hearing before the Planning Commission of a petition for a change in zoning district boundaries, conditional use permit, special procedure, or any other matter pertaining to specific property for which a public hearing is required by this Chapter, furnish a copy of the notice of a proposed zoning change to all tri-weekly, semi-weekly or weekly newspapers printed, circulated or distributed within the County Council district wherein the property proposed to be rezoned is located. Not less than eighteen (18) days before the date of hearing before the Planning Commission, the Director of Planning shall furnish a copy of the hearing notice to the Department of Highways and Traffic, Department of Public Works, Department of Parks and Recreation, Department of Community Health and Medical Care, the Missouri State Highway Commission, and the Metropolitan St. Louis Sewer District. Each County department so notified shall provide its written comments to the Department and the petitioner or his authorized representative not less than twelve (12) days prior to the public hearing. Any failure to comply herewith shall not deprive the Planning Commission or the County Council of authority and jurisdiction to consider and approve or deny any such petition.

8. **The Director of Planning shall submit a written or oral report to the Planning Commission prior to the forwarding of a decision or recommendation by the Planning Commission to the County Council.**

9. **Approval of Rezoning Portion of Property.**

The Planning Commission may recommend that a petition for a change of zoning district classification be approved or denied for all or part of the property described in the petition. The County Council may enact by ordinance such a partial granting of a petition for a change in zoning district classification.

10. **Approval of Different Classification.**

The Planning Commission may recommend and the County Council may enact by ordinance a zoning district classification other than that requested in the petition, provided that the recommendation or ordinance is for a district classification of the same use type as that requested by the petitioner. District classification of the same type as referred to in this section shall include the "C-8" Planned Commercial District in the "C" district classification and the "M-3" Planned Industrial District in the "M" district classification when a petitioner proposed a particular use and presents plans at or prior to the public hearing which are substantially similar to those required by the "C-8" and "M-3" rezoning procedures respectively.
11. **Withdrawal.**

Any request for withdrawal of a legally filed application for amendment or supplement to the St. Louis County Zoning Ordinance may be denied, approved with prejudice, or approved without prejudice by the Planning Commission.

12. **Postponement.**

(1) A request for postponement which is received not less than five (5) business days prior to the scheduled public hearing date for the particular petition shall be granted without prejudice and scheduled for rehearing before the Planning Commission on the next available agenda. A maximum of two (2) postponements shall be granted under these referenced circumstances and any subsequent request for postponement will authorize the Planning Commission to conduct a public hearing upon the request regardless of the applicant or the applicant's representative's participation. In the event of such an action by the Planning Commission, the procedures required in Section 1003.300.12 (3) shall be adhered to by all parties. A re-advertisement fee per Section 1003.210.7 shall be required as part of the rehearing process. Said fee shall be submitted to St. Louis County prior to the rescheduling of the petition for public hearing. (O.No. 17579 - Adopted 5/25/95).

(a) With the postponement granted, the Department of Planning shall post all public hearing notices on the site with notification of said change in scheduling. Said postings shall be designed for clear and easily identifiable display and be located on the site no later than three (3) business days prior to the originally scheduled public hearing.

(b) With the postponement granted, the Department of Planning shall mail notifications of said change in the public hearing schedule to all property owners who had previously received information regarding this petition. The notification shall be mailed out no later than three (3) business days after receipt of the request for postponement.

(2) A request for postponement received by the Planning Commission after five (5) business days of the scheduled public hearing and accompanied by a statement explaining reasons for such action will be acted upon by the Planning Commission at the next regularly scheduled public hearing. By a majority vote, the Planning Commission may act to grant or deny the request for postponement based upon the reasons provided by the applicant and/or applicant's representative. (O.No. 17579 - Adopted 5/25/95).

(a) a vote to grant approval of the postponement shall authorize the Planning Commission to accept any pertinent information from interested parties in attendance at the scheduled public hearing, or the Planning Commission may defer any testimony until the request is rescheduled onto the next available agenda. Any questions submitted during the public hearing proceedings shall be forwarded to the applicant and/or applicant's representative for written responses to be provided at the time of rehearing of this request.

(i) A vote to grant approval of the postponement shall provide for a re-advertisement fees assessment per Section 1003.200-7 to be submitted prior to scheduling of the petition for rehearing.

(b) a vote not to grant approval of the postponement shall authorize the Planning Commission to conduct their normally scheduled public hearing, including providing and taking testimony on the subject petition, with the Department of Planning presenting all available relevant information. Any questions submitted during the public hearing proceedings shall be forwarded to the applicant and/or applicant's representative for written responses. The applicant and/or applicant's representative shall respond back to the Planning Commission
within five (5) days of receipt of this correspondence to allow the Department of Planning sufficient time to utilize said information in its report and recommendation. If no response is received within the required timeframe, the Department of Planning shall provide its recommendation at the next regularly scheduled Planning Commission Executive Meeting.

(3) If an applicant and/or applicant's representative fails to appear and makes no request for postponement from the scheduled public hearing, the Planning Commission may conduct its regularly scheduled public hearing, including providing and taking testimony on the subject petition, with the Department of Planning presenting all available relevant information. Any questions submitted during the public hearing proceedings shall be forwarded to the applicant and/or applicant's representative for written responses. The applicant or applicant's representative shall respond back to the Planning Commission within five (5) days of receipt of this correspondence to allow the Department of Planning adequate time to utilize said information in its report and recommendation. If no response is received within the required timeframe, the Department of Planning shall provide its recommendation at the next regularly scheduled Planning Commission Executive Meeting. (O.No. 17579 - Adopted 5/25/95).