1003.181 Conditional Use Permit Procedure (CUP).

1. **Scope of Provisions.**

   This section contains the regulations of the Conditional Use Permit Procedure. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter which are incorporated as part of this section by reference.

2. **Statement of Intent.**

   It is hereby declared that certain land uses and developments present unique problems with respect to their proper location and relationship to other land uses. Therefore, analysis and judgment of the consequences of each development and use is necessary to preserve and to promote the public health, safety, and general welfare. Such land uses and developments are identified in each particular zoning district under Conditional Land Use and Development Permits Issued by the Commission.

3. **Performance Standards.**

   All uses established by Conditional Use Permit shall operate in accord with the appropriate performance standards contained in Section 1003.163 Zoning Performance Standard Regulations. These performance standards are minimum requirements and may be made more restrictive in the conditions governing the particular development or use authorized by Conditional Use Permit.

4. **Height Limitation for Structures.**

   Unless otherwise restricted by application of regulations in Section 1003.161 Air Navigation Space Regulations, the total height of any structure shall be limited by the conditions governing the particular development or use authorized by Conditional Use Permit. However, the total height of any structure authorized by Conditional Use Permit shall not exceed the least restrictive regulations of the particular zoning district in which the conditional development or use is located.

5. **Lot Area, Lot Dimension, Development Limitation, and Yard Requirements.**

   Any development or use authorized by Conditional Use Permit shall abide by the lot area, lot dimension, development limitation, and yard requirements of the particular zoning district in which the conditional development or use is located. However, these requirements may be made more restrictive in the conditions governing the particular development or use authorized by Conditional Use Permit.

6. **Off-Street Parking and Loading Requirements.**

   The minimum off-street parking and loading requirements, including required setbacks for parking areas, loading spaces, and internal drives for any development or use authorized by Conditional Use Permit shall not be reduced below the minimum requirements as set forth in Section 1003.165 Off-Street Parking and Loading Requirements. However, these requirements may be made more restrictive in the conditions governing the particular development or use authorized by Conditional Use Permit.

7. **Sign Regulations.**

   Specific sign regulations shall be established in the conditions governing the particular development or use authorized by Conditional Use Permit in accord with the provisions of Section 1003.168 Sign Regulations. However, in no instance shall they be less restrictive than the sign regulations of the particular zoning district in which the conditional development or use is located.

8. **Procedures.**
The granting of a Conditional Use Permit may be initiated by a verified application of one or more of the owners of record or owners under contract of a lot or tract of land, or their authorized representatives, or by a resolution of intention by the Planning Commission or the County Council. Procedures for application, review, and approval of a Conditional Use Permit shall be as follows:

(1) Application.

Application for a Conditional Use Permit for a specific tract of land shall be addressed to the St. Louis County Planning Commission and filed in its public office. The application shall be filed on forms prescribed for that purpose by the Planning Commission and be accompanied by the following:

(a) Filing fee per requirements of Section 1003.210 Fees.
(b) Legal description of the property.
(c) Outboundary plat of the property.
(d) Preliminary Development Plan, including, but not limited to the following:
   (i) Proposed uses. Approximate location and designated uses of buildings and other structures as well as parking and open areas shall be indicated.
   (ii) Existing and proposed contours at vertical intervals of not more than five (5) feet referred to sea level datum. Flood plain areas shall be delineated.
   (iii) Approximate location of all isolated trees having a trunk diameter of six (6) inches or more, all tree masses and proposed landscaping.
   (iv) Two (2) cross section profiles through the site showing preliminary building form, existing natural grade and proposed final grade.
   (v) Proposed ingress and egress to the site, including adjacent streets.
   (vi) Preliminary plan for provision of sanitation and drainage facilities.
   (vii) Preliminary plan for stormwater quality control measures. (O.No. 23553 - Adopted 3/31/08).
   (viii) Stream buffer areas. (O.No. 23553 - Adopted 3/31/08).

(2) Public Hearing.

A public hearing on the application shall be held by the Planning Commission in accordance with the provisions of Section 1003.300 Procedure for Amending the Zoning Ordinance, except that the posted public notice signs shall indicate that the public hearing is for a Conditional Use Permit. The public hearing shall be held within forty-five (45) days of verification by the Department of Planning that the petition meets the minimum application requirements. The public hearing requirements shall be the same if a petition for a Conditional Use Permit is initiated by resolution of intention by the Planning Commission or the County Council.

(3) Approval or Denial of Application.

Subsequent to public hearing, the Planning Commission shall file a report with the County Council in which the Commission shall grant or deny each application for a Conditional Use Permit and state the reasons therefore. The Planning Commission may permit those developments and uses where such developments and uses are deemed consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and are deemed essential or desirable to preserve and promote the public health, safety, and general welfare of St. Louis County. In approving such conditional uses, the Planning Commission shall impose such conditions as it determines necessary. Said conditions shall include but not be limited to the following:

(a) Permitted uses, including maximum floor area.
(b) Performance standards.
(c) Height limitations.
(d) Minimum yard requirements.
(e) Off-street parking and loading requirements.
(f) Sign regulations.
(g) Minimum requirements for site development plans.
(h) Time limitations for commencement of construction.

(4) Permit Effective, When.

Unless the County Council exercises its power of review or a duly filed protest is received by the County Clerk, a Conditional Use Permit or an amendment thereto shall become effective after fifteen (15) days of the County Council's receipt of the Planning Commission's report granting the application. In the event that a Conditional Use Permit is filed in conjunction with a required change of zoning, the permit shall not become effective until the date of enactment of the ordinance authorizing the zoning change.

(5) Effect of Denial.

Upon denial by the Planning Commission of an application for a Conditional Use Permit, the Commission shall notify the applicant of the denial. If no appeal is filed from the denial and if the County Council does not exercise its power of review, no subsequent application for a permit with reference to the same property or part thereof shall be filed by any applicant until the expiration of twelve (12) months after the denial. No provision herein shall be construed to prevent the Planning Commission or the County Council from initiating the procedure provided in this section by a resolution of intention at any time.


(1) Appeal by Petitioner from Decision of Denial.

The petitioner may file an appeal to the County Council of a Planning Commission denial of an application for a Conditional Use Permit or an amendment thereto in accord with the provisions of Section 1003.193 Appeal and Protest Procedure for Special Procedures.

(2) Protest by Specified Nearby Property Owners to Decision of Approval.

Specified nearby property owners may file a protest with the County Council against the Planning Commission's approval of an application for a Conditional Use Permit or an amendment thereto in accord with the provisions of Section 1003.193 Appeal and Protest Procedure for Special Procedures.


(a) Within fifteen (15) days after receipt of the Planning Commission's report, the County Council, upon motion adopted by majority vote, may exercise the power of review of any Planning Commission decision on an application for a Conditional Use Permit or an amendment thereto.

(b) Upon adoption of the motion to exercise the power of review, the County Council shall refer the subject to the Planning Commission. The Planning Commission shall respond thereon to the County Council, disclosing in what respect the application and facts offered in support thereof met or failed to meet the criteria specified in this section.
(c) Before acting on the Conditional Use Permit, the County Council or its Committee of Planning and Zoning shall set the matter for hearing. The County Council shall give written notice of such hearing to the applicant and all other persons who appeared and spoke in opposition to the application at the public hearing before the Planning Commission or to the protestants in the case of a protest. The applicant shall be heard at the hearing. In addition, any other person or persons who, in the discretion of the County Council, will be aggrieved by any decision or action with respect to the Conditional Use Permit may also be heard at the hearing.

(4) County Council Decision.

Following the hearing by the County Council or its Committee on Planning and Zoning on an application, the County Council may affirm, reverse or modify, in whole or in part, any determination of the Planning Commission. An affirmative vote of two-thirds (2/3) of the members of the whole County Council shall be required to reverse or modify any determination of the Planning Commission.

10. Site Development Plans.

Subsequent to the effective date of the Conditional Use Permit, a site development plan shall be submitted for review and approval to the Planning Commission or the Department of Planning, as specified in the conditions of the permit. The plan shall contain the minimum requirements established in the conditions governing the Conditional Use Permit. No building permits or authorization for improvement or development for any use requested under provisions of this permit procedure shall be issued prior to approval of such plan. The approved plan shall be retained on file by the Department of Planning.

11. Procedure to Amend the Conditions of Conditional Use Permit or Site Development Plan

In order to amend the conditions of an existing Conditional Use Permit or to amend the site development plan approved for a Conditional Use Permit, the procedure shall be as follows:

(1) To Amend Conditions of a Conditional Use Permit:

(a) The property owner or authorized representative shall submit a written request to amend conditions to the Department of Planning for review. The Department shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.

(b) The Department shall then forward the request and its report to the Planning Commission. The Planning Commission shall review the proposed condition amendments and file a report with the County Council in which the Commission shall grant, deny or modify the requested condition amendments. If the Planning Commission determines that the requested condition amendments are not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, the Commission may require a new public hearing on the matter in accord with the proceedings specified in Section 1003.300 Procedure for Amending the Zoning Ordinance.

(2) To Amend the Site Development Plan:

(a) The property owner or authorized representative shall submit an amended site development plan to the Department of Planning for review. The Department shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.
(b) If the Department of Planning determines that the proposed amendment to the site development plan is not in conflict with the original proposal as advertised and the preliminary development plan, and meets all conditions of the Conditional Use Permit, the Department may approve said amended plan. The approved plan shall be retained on file by the Department of Planning.

(c) If the Department of Planning determines that the proposed amendment to the site development plan is not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, or with the preliminary development plan, the Department shall so report to the applicant and the Planning Commission. The Planning Commission shall review the proposed site plan amendment and make a final determination. The Planning Commission may, if deemed necessary, require a new public hearing on the matter in accord with proceedings specified in Section 1003.300 Procedure for Amending the Zoning Ordinance.

12. Appeal to Commission of a Decision by the Department in Reviewing Development Plans.

The petitioner/developer may appeal to the Planning Commission a decision by the Department of Planning in cases where the Department of Planning is authorized to review development plans. The petitioner shall have a fifteen (15) day period in which to file a written appeal and plan with the Commission. The written appeal, stating the reasons for the appeal, shall be submitted to the Department. The Commission shall make the final determination of the matter. No exceptions may be granted that are in violation of the particular permit governing the development plan.

13. Recording.

Prior to the issuance of any building permit or permit authorizing the use of the property in question, the property owner shall record a copy of the approved Conditional Use Permit, including attached conditions, and any subsequent amendments thereto and the legal description of the tract with the St. Louis County Recorder of Deeds.


Conditional Use Permits shall be valid for an unlimited period unless a lesser period shall be provided in a particular permit. Upon the expiration of the time limit specified in a particular permit, the property owner may request that the Conditional Use Permit be reviewed by the Planning Commission, which may extend it for an unlimited period or for a specified additional period of years.

15. Failure to Commence Construction.

Unless otherwise stated in the conditions of a particular Conditional Use Permit, substantial work or construction shall commence within two (2) years of the effective date of the permit, unless such time period is extended through appeal to and approval by the Planning Commission. If no extension of time is received or granted within six (6) months subsequent to the two (2) year period following the effective date of the Conditional Use Permit, the permit shall terminate.


Nothing shall prevent the establishment of land uses or developments authorized by Conditional Use Permit on the same tract of land with one or more permitted land uses and developments specified in the regulations of the governing zoning district. However, the development or use authorized by Conditional Use Permit shall abide by the conditions of the permit and the permitted land use and development shall adhere to the regulations of the governing zoning district. A permitted land use or development existing at the time of submittal of a site development plan for a development or use authorized by Conditional Use Permit shall be shown on the plan. No permitted use or development shall at any time cause the violation of any condition imposed by a Conditional Use Permit.