

Memorandum
Department of Planning

To: Michael O. Geisel, City Administrator
From: Justin Wyse, Director of Planning
Date: September 10, 2020
RE: Section 405.02.040.E. (Time Extensions)



Summary

Section 405.02.040 of the City Code states:

Failure To Commence Construction. Substantial construction shall commence within the time period specified in the conditions of the ordinance or approval governing the planned district or special procedure approval, unless such time period is extended by the Planning Commission. If substantial construction or development does not begin within the time period specified in the conditions of the ordinance governing the planned district or special procedure approval, or extensions authorized therein, the Planning Commission shall, within forty-five (45) days of the expiration date, initiate a resolution of intent for the purpose of a new public hearing to revert the property to its prior zoning classification in accord with proceedings specified in Section 405.02.030 of this Article. No building or occupancy permit shall be issued for the development or use of the property until completion of action by the City Council on the proceedings to rezone the property in accord with the provisions of the above-noted Section.

To date, the City has not utilized this Section of Code to allow the Planning Commission to initiate a change in zoning. This is further complicated as restoring a property to its prior zoning designation is regularly not legal as the prior zoning district was an Inactive District, as defined by the Unified Development Code. In this instance, the Planning Commission would be charged with establishing a new zoning district, including development of a narrative and Preliminary Development Plan, at the cost to the City of Chesterfield.

Request

This item should be forwarded to the Planning and Public Works Committee for consideration of an ordinance to repeal this section of code. Additionally, many planned district ordinances have included this language as a recital of City Code requirements and the ordinance for consideration should direct that repeal of this section of City Code also includes direction that further enforcement of this language in planned district ordinances shall cease.

Please forward to the PPW Committee for review and further direction.

Michael O. Geisel 2020-9-2

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 405.02.040 “PROCEDURE FOR ESTABLISHING PLANNED DISTRICTS AND SPECIAL PROCEDURES” OF THE CITY OF CHESTERFIELD MUNICIPAL CODE BY DELETING SUB-SECTION E. “FAILURE TO COMMENCE CONSTRUCTION” AND ADDRESSING ENFORCEMENT OF SIMILAR CLAUSES WITHIN PLANNED DISTRICT ORDINANCES.

WHEREAS, the City of Chesterfield Unified Development Code contains regulations and requirements pertaining to the development of land within the City; and,

WHEREAS, the Unified Development Code serves to promote the public health, safety, and general welfare of the citizens of the City of Chesterfield; and,

WHEREAS, the Unified Development Code creates a process to ensure due process of its’ citizens pertaining to regulation of land; and,

WHEREAS, Section 405.02.030.3 contains requirements for initiating an amendment, supplement, reclassification or change to zoning district boundaries and repeal of Section 405.02.040.E does not alter this authorization of authority; and

WHEREAS, on September 10, 2020, Planning and Public Works Committee recommended approval of the modification to the City Code by a vote of 4-0; and,

WHEREAS, the City Council of the City of Chesterfield having considered said request, voted to approve the repeal of Section 405-02-040.E. of City of Chesterfield’s Municipal Code pertaining to Commencement of Construction requirements for Planned Districts and Special Procedures.

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

Section 1. Section 405.02.040.E, which pertains to Commencement of Construction regulations for Planned Districts and Special Procedures, is hereby repealed in its entirety.

Section 2. The Director of Planning, as directed by the City Council, is instructed to administer planned district ordinances containing language regarding requirements for commencement of construction consistent with the repeal of Section 405.02.040.E.

Section 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as whole, or any part thereof.

Section 4. This Ordinance shall be codified within the Municipal Code of the City of Chesterfield.

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2020.

PRESIDING OFFICER

Bob Nation, MAYOR

ATTEST:

Vickie McGownd, CITY CLERK

FIRST READING HELD: _____