

City of Ellisville

Zoning Processes

REZONING, TEXT AMENDMENT AND PLANNED DEVELOPMENT DISTRICT

February 14, 2019



INTRODUCTION

This booklet is intended as a guide for residents and businesses to help with understanding the zoning process. The flow chart in this booklet depicts typical scenarios and are not a guarantee as to how the process will unfold.

Residents are urged to review the City's adopted comprehensive plan and municipal code for complete information. You may also contact Ada Hood, Ellisville City Planner for specific information.

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What is the process for a Rezoning, Text Amendment or Planned Development District (C-5 or R-2)?

Rezoning: Review the City's zoning code and the various district regulations to determine which district designation you want to rezone to.

Text Amendment: Review the City's Land Use Regulations and identify which section(s) you wish to revise the language for.

Planned Development District (C-5 or R-2): Review the C-5 or R-2 zoning regulations to verify you meet the requirements to file for a Planned District.

1. Planning and Zoning Commission (P&Z) meets 2nd Wednesday of every month
2. Submit to City Planner at least 30 days prior to the meeting date (a public hearing will be required at the P&Z level)
3. The City Council (CC) meets the 1st and 3rd Wednesday of every month.
4. A public hearing is also required at the City Council level. The public hearing is typically scheduled for the week after P&Z meeting (the 3rd Wednesday of the month). The CC will hold the public hearing and may do both readings of the approving ordinance the same night.
5. If ARB is required, ARB will be scheduled on the same night as the CC public hearing. The CC members are also the ARB members. Once the CC finishes all CC business, they adjourn as the City Council and become the ARB.

Amendment to existing PD: Review the approved enabling ordinance and site plan to identify what changes are needed.

P&Z makes a negative recommendation

P&Z makes a Positive Recommendation

City Council holds Public Hearing. Need Super-Majority to approve

City Council holds Public Hearing. Simple-Majority to approve

1. If approved, staff may issue building permits, license and/or occupancy.
2. If denied, staff may not issue building permits, license and/or occupancy.

The Application Cover, Rezoning/Text Amendment and Planned District Applications can be found on the City’s website: www.ellisville.mo.us, then go to the top right tab ‘How Do I,’ then scroll over to “Apply For,’ then scroll down to ‘Sign and Zoning Permits.’ The documents can be downloaded and printed from here.

The P&Z meet will meet on your application on the 2nd Wednesday of the month, and the City Council will meet on your application on the 3rd Wednesday of the month. If other applications are also being requested, all applications will be processed concurrently. Generally, the P&Z and City Council make a decision on applications the same evening it first considers it. You or your representative must be present at all meetings..

PROCESS

1. The City offers all applicants the opportunity to meet with City staff at any time to discuss a project. Please contact the City Planner to schedule a meeting: Ada Hood, ahood@ellisville.mo.us or via phone 636-227-9660.
2. The City also offers all applicants the opportunity to meet with the City Council in a Preliminary Conceptual Meeting. The Preliminary Conceptual Meeting is designed to provide the applicant with an opportunity to present a concept to the City Council for initial feedback, before the applicant incurs significant costs for detailed drawings or plans. The meeting is informal and non-binding. There is no cost to schedule a meeting, an applicant need only submit the Preliminary Conceptual Meeting form at least seven (7) days prior to the regularly scheduled City Council meeting date.
3. All requests for Rezoning, Text Amendments and Planned Development Districts must be made by submitting the Application Cover Sheet, the appropriate application form, associated fees and plans.
4. To initiate the process, please submit one copy of the application forms and nine (9) copies of the plans for ‘staff review.’ This initial submittal must be made a minimum of thirty (30) days prior to the Planning and

Zoning Commission meeting date. In the case of high traffic uses, where a traffic impact study will be required, the submittal should be made at least forty-five (45) days prior to the Planning and Zoning Commission meeting date. Staff will route the plans to various departments and applicable agencies for their review. Within fifteen (15) days of receipt of submittal, the City Planner shall notify the applicant of any deficiencies or the application shall be accepted for consideration by the Planning and Zoning Commission, unless said timeframe is mutually waived. The applicant must respond to the City Planner's list of deficiencies within seven (7) days to be scheduled at the next Planning and Zoning Commission meeting. Delays in resubmitting will delay consideration of the application to the following month. Applicants must respond to the City Planner's list of deficiencies within thirty (30) days or the application is deemed void, unless such timeframe is mutually waived. The resubmittal should include revised applications and documents, as applicable, and twenty-five (25) sets of plans, folded to approximately 8 ½ x 11 or 8 ½ x 14 in size.

5. The Planning and Zoning Commission shall hold a public hearing. The Planning and Zoning Commission will consider the request and make a recommendation to the Council within sixty (60) days of official submission to the Commission unless said time period is extended by mutual agreement in writing. The failure of the Commission to act within sixty (60) days after the date of official submission to it shall be deemed approved. The "*date of official submission*" shall mean the date of the first (1st) official Planning and Zoning Commission meeting during which the application is received and placed on the agenda for consideration.
6. Upon receipt of the recommendation, the City Council shall hold a public hearing in relation to the request. The City Council may, at its discretion, add to or delete conditions recommended by the Planning and Zoning Commission. The City Council may refer the application back to the Planning and Zoning Commission for further study before making its final decision. The decision rendered by the City Council shall require a simple majority vote except that a vote of at least five (5) members of the City Council will be required to approve any application contrary to the Planning and Zoning Commission recommendation.

Section 400.180 ZONE CHANGES (REZONING)

- A. *Purpose.* To establish procedures for changing zoning district classification of property.
- B. *Application Requirements.*
1. A request for a change in the zoning district classification of property may be made by the City Council, a City Official, or via an application from the owner or leaseholder of the subject property. If the application is made by a leaseholder or an authorized agent of the owner, the property owner must also sign the zone change application or authorize the zone change application in writing. Applications for a change in zoning classification shall be made to the City. To initiate the review process, the proper application, plans and fees as set out in this Code must be filed with the City Planner.
 2. For an application to be accepted for review, the following information shall be either provided on the application or on a separate map and/or sheet accompanying same. Additional information to be placed on or submitted with the application/site plan beyond the requirements listed below may be requested by the City Planner. The City Planner may also waive the submission requirement for any of the same following information:
 - a. Location map, including north arrow and map scale.
 - b. Existing and proposed zoning district, subdivision name, lot number, dimensions and area of the property proposed for rezoning, and zoning of adjacent parcels where different than said subject property.
 - c. A certified metes and bounds description of the property which would be affected by the proposed zoning district change.
 - d. Proposed use of the subject property, if any.
 - e. Location and identification of all right-of-ways and easements (existing and proposed).
 - f. Name, address and telephone number of the person or firm submitting the application, the submitter's legal interest and the person or firm who desires the review comments to be forwarded to them.
- C. *Staff Procedure.* The City Planner shall review the submitted documents for deficiencies. Within fifteen (15) days of receipt of the application, the City Planner shall notify the applicant of any deficiencies or the application shall be accepted for consideration before the Planning and Zoning

Commission, unless said timeframe is mutually waived. Applicant must respond to the City Planner's list of deficiencies within thirty (30) days or the application is deemed void, unless such timeframe is mutually waived. Applications are scheduled for consideration by Planning and Zoning when all submission requirements are met. Upon receipt of the application, which has been determined to be complete by the City Planner, the application shall be referred to the Planning and Zoning Commission. However, if staff determines an application to be incomplete, the applicant may request in writing that the application be forwarded to the Planning and Zoning Commission, nonetheless.

- D. *Planning and Zoning Commission Procedure.* The Planning and Zoning Commission shall hold a public hearing in relation to the application. The Planning and Zoning Commission shall investigate and make a report and recommendation regarding the application based upon the criteria for approval of a change in zoning district classification set forth in this Section. Such report and recommendation shall be filed with the Council within sixty (60) days of official submission to the Commission. The failure of the Commission to act within sixty (60) days after the date of official submission to it shall be deemed approval unless said time period is extended by mutual agreement in writing. The "*date of official submission*" shall mean the date of the first (1st) official Planning and Zoning Commission meeting during which the application is received and placed on the agenda for consideration.
- E. *City Council Procedure.* Upon receipt of the report and recommendation of the Planning and Zoning Commission, the Council shall hold a public hearing in relation to the application. The City Council may, at its discretion, add to or delete conditions recommended by the Planning and Zoning Commission. The City Council may refer the application back to the Planning and Zoning Commission for further study before making its final decision. The decision rendered by the City Council shall require a simple majority vote except that a vote of at least two-thirds (2/3) of all the members of the City Council will be required to approve any application which fails to receive a favorable Planning and Zoning Commission recommendation.
- F. *Criteria For Approval of Change in Zoning District Classification.*
1. It shall be the responsibility of the applicant to clearly establish that the following criteria are met:
 - a. The zone change will not adversely affect the character of the neighborhood.
 - b. The zone change will not have any negative effect upon traffic conditions.

- c. The zone change will not substantially increase fire hazards.
 - d. The zone change will not overtax the sewage or public utilities.
 - e. The zone change will not adversely affect the public health, safety and general welfare of the community.
- G. If the application for a change in zoning district classification is approved and the ordinance is enacted, the City Planner shall be directed to reflect said change upon the City's Zoning District Map and file a copy of same with the City Clerk.
- H. *Reapplication.* If the application for a change in zoning district classification is denied, the same application or substantially similar application may not be resubmitted to the City within one (1) year of the date of denial unless approved by no less than a supermajority favorable vote of the Council in an open, public meeting. The City Planner shall determine whether an application is the same application or substantially similar application.
- I. *Protest Petitions.* The affirmative vote of at least two-thirds (2/3) of all the members of the City Council shall be required to authorize a change in zoning district, when a protest against said zone change is presented to the City Clerk in writing. The protest petition must be received by 5:00 P.M. Central Standard Time (CST) (including weekends and holidays), the fifth day following the Planning and Zoning Commission meeting. The protest shall be duly signed and acknowledged by the owners of thirty percent (30%) 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 one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed.

SECTION 400.185 TEXT AMENDMENTS.

- A. *Purpose.* To establish procedures for texts amendments to this Chapter in order to amend, supplement, change, modify or repeal any provision of the land use regulations set forth in this Code.
- B. *Application Requirements.*
1. An applicant, the Council or a City Official may request a text amendment. Applications for a text amendment shall be made to the City. To initiate the review process, the proper application, plans and fees as set out in this Code must be filed with the City Planner.
 2. For an application to be accepted for review, the following information shall be either provided on the application or on a separate sheet accompanying same. Additional information to be submitted with the application beyond the requirements listed below may be requested by

the City Planner. The City Planner may also waive the submission requirement for any of the same following information:

- a. A detailed description of the proposed amendment, supplement, change, modification or repeal of any provision of this Chapter.
- b. The specific reason(s) the applicant is seeking the desired amendment, supplement, change, modification or repeal of any provision of this Chapter.
- c. The Section(s) of this Code or Chapter that would be impacted and the extent of this impact. If more than one (1) Section would be affected, each individual impact is to be detailed separately.
- d. Name, address and telephone number of the person or firm submitting the application, the submitter's legal interest and the person or firm who desires the review comments to be forwarded to them.

C. *Staff Procedure.* The City Planner shall review the submitted documents for deficiencies. Within fifteen (15) days of receipt of the application, the City Planner shall notify the applicant of any deficiencies or the application shall be accepted for consideration before the Planning and Zoning Commission, unless said timeframe is mutually waived. Applicant must respond to the City Planner's list of deficiencies within thirty (30) days or the application is deemed void, unless such timeframe is mutually waived. Applications are scheduled for consideration by Planning and Zoning when all submission requirements are met. Upon receipt of the application, which has been determined to be complete by the City Planner, the application shall be referred to the Planning and Zoning Commission. However, if staff determines an application to be incomplete, the applicant may request in writing that the application be forwarded to the Planning and Zoning Commission.

D. *Planning And Zoning Commission Procedure.* The Planning and Zoning Commission shall hold a public hearing in relation to the application. The Planning and Zoning Commission shall investigate and make a report and recommendation regarding the application based upon the criteria for approval of a text amendment set forth in this Section. Such report and recommendation shall be filed with the Council within sixty (60) days of official submission to the Commission. The failure of the Commission to act within sixty (60) days after the date of official submission to it shall be deemed approval unless said time period is extended by mutual agreement in writing. The "*date of official submission*" shall mean the date of the first (1st) official Planning and Zoning Commission meeting during which the application is received and placed on the agenda for consideration.

- E. *City Council Procedure.* Upon receipt of the report and recommendation of the Planning and Zoning Commission, the Council shall hold a public hearing in relation to the application. The City Council may, at its discretion, add to or delete from recommendations of the Planning and Zoning Commission. The City Council may refer the application back to the Planning and Zoning Commission for further study before making its final decision. The decision rendered by the City Council shall require a simple majority vote except that a vote of at least two-thirds (2/3) of all the members of the City Council will be required to approve any application which fails to receive a favorable Planning and Zoning Commission recommendation.
- F. *Criteria For Approval of Text Amendment.*
1. It shall be the responsibility of the applicant to clearly establish that the following criteria are met:
 - a. The text amendment will not adversely affect the character of the neighborhood.
 - b. The text amendment will not have any negative effect upon traffic conditions.
 - c. The text amendment will not substantially increase fire hazards.
 - d. The text amendment will not overtax the sewage or public utilities.
 - e. The text amendment will not adversely affect the public health, safety and general welfare of the community.
- G. *Reapplication.* If the application for text amendment is denied, the same application or substantially similar application may not be resubmitted to the City within one (1) year of the date of denial unless approved by no less than a supermajority favorable vote of the Council in an open, public meeting. The City Planner shall determine whether an application is the same application or substantially similar application.
- H. *Protest Petitions.* The affirmative vote of at least two-thirds (2/3) of all the members of the City Council shall be required to authorize a text amendment, when a protest against said text amendment is presented to the City Clerk in writing. The protest petition must be received by 5:00 P.M. Central Standard Time (CST) (including weekends and holidays), the fifth day following the Planning and Zoning Commission meeting. The protest shall be duly signed and acknowledged by the owners of thirty percent (30%) 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 one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed.

SECTION 400.310. "C-5" PLANNED COMMERCIAL DISTRICT.

- A. *Purpose.* This Section contains the district regulations of the "C-5" Planned Commercial District. 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. The Planned Commercial District may be described in the manner outlined below. The "C-5" Planned Commercial District encompasses areas where developments and uses authorized in any of the other "C" Commercial Districts may be located. It is the purpose of these regulations to facilitate the establishment of combinations of developments and uses for which no provision is made in any other single "C" Commercial District or the establishment of developments and uses in locations appropriate under approved site plans and conditions. Such approved plans and conditions shall be consistent with good planning practice and compatible with permitted developments and uses in adjoining districts, so as to protect the general welfare. Development and uses authorized in any Planned Commercial District will be based on guidance from the land use element narrative and land use plan contained in the currently adopted Ellisville Comprehensive Plan.
- B. *Permitted Uses.* The following land uses and developments are permitted in this district:
1. Authorized land uses and developments shall be established in the conditions of the ordinance governing the particular Planned Commercial District; specific uses may include those uses designated as permitted, accessory or conditional uses in any of the "C" Commercial Districts.
- C. *Performance Standards.* All uses established in a Planned Commercial District shall operate in accord with "performance standards" as contained in Section **400.170**. These performance standards are minimum requirements and may be made more restrictive in the conditions of the ordinance governing the particular Planned Commercial District.
- D. *Height Requirements.* The total height of any structure shall be limited to thirty (30) feet unless higher heights are conditioned with setback, landscape buffer, fence and/or wall requirements.
- E. *Area Requirements.* The lot area, development limitation and yard requirements for land uses in this district shall be as follows:
1. *Minimum lot area.* No minimum lot area shall be required for this district, but lot dimensions shall be sufficient to meet other requirements set forth in this Section or in the conditions of the ordinance governing the particular Planned Commercial District.
 2. *Development limitations.* Not more than one (1) dwelling unit per each twelve thousand (12,000) square feet of lot area designated for such use shall be permitted in structures containing offices with affiliated dwelling units.

3. *Minimum yard requirements—general.* Setbacks for parking areas, internal drives, loading spaces and structures shall be established in the conditions of the ordinance governing the particular Planned Commercial District. The required setbacks shall be of appropriate size to ensure compatibility with adjoining developments or uses, and to mitigate, to a reasonable degree, any negative impacts associated with the planned development.

Boundary walls or fences, six (6) feet in height or less, are permitted within the minimum yard requirements, unless otherwise restricted in the conditions of the ordinance governing the particular Planned Commercial District.

4. *Pedestrian accommodations and amenities.* Pedestrian accommodations and amenities, including, but not limited to, sidewalks, street furniture, pedestrian level lighting, and landscaping, shall be provided within the front setback, between the building facade and street.

F. *Off-Street Parking And Loading Requirements.* The required off-street parking and loading requirements for any use or building in a Planned Commercial District shall be as set forth in Section **400.490**, Parking and Loading Requirements.

Within the Town Center, as defined in Section **400.090**, parking shall be located behind the front building line.

G. *Sign Regulations.* Specific sign regulations shall be the same as those contained in Chapter **410**, Signs and Advertising Devices of the Municipal Code.

H. *Waivers.* The City Council shall have the authority to waive any of the requirements of Section C through Section G.

I. *Establishment.* A "C-5" Planned Commercial District and approval of the associated site development concept plan may be established on a tract of land in single ownership or management control. A "C-5" Planned Commercial District is established by ordinance of the Council in the same manner that other mapped districts are established where the Council determines that any particular tracts or areas should be developed for commercial use, but because of possible conflicts with adjoining uses, more development control is necessary to protect the general welfare than is possible under the regulations of the other "C" Commercial Districts.

1. *Application.* The owner or owners of record or owners under contract of a lot or tract of land or their authorized representatives shall petition the City on forms prescribed for this purpose. These forms are to be submitted to the City Planner and accompanied by the following:

- a. Filing fee per requirements;
- b. Legal description of the property;

c. Outboundary plat of the property;

d. Site development concept plan depicting, but not limited to, the following:

- (1) *Proposed uses.* Permitted uses, conditional uses, accessory uses including maximum floor areas.
- (2) *Structures and parking areas.* In single-lot developments approximate location of buildings and other structures as well as parking areas shall be indicated. In multiple-lot developments, conceptual location and configuration of buildings, approximate locations of common ground areas, major utility easements and storm water retention areas shall be indicated.
- (3) Performance standards;
- (4) Height limitations;
- (5) Minimum yard requirements, including dimensions, for all structures parking areas, internal drives, loading spaces and structures,
- (6) All fence and walls;
- (7) Off-street parking and loading facilities, including table depicting proposed and required parking requirements;
- (8) Existing and proposed contours at vertical intervals of not more than five (5) feet referred to sea level datum. Floodplain areas shall be delineated.
- (9) Approximate location of all isolated trees having a trunk diameter of six (6) inches or more, all tree masses and proposed landscaping.
- (10) Two (2) section profiles through the site showing preliminary building form, existing natural grade and proposed final grade.
- (11) Proposed ingress and egress to the site, including adjacent streets and approximate alignments of internal roadway systems.
- (12) Preliminary plan for sanitation and storm drainage facilities.

2. *Staff Procedure.* The City Planner shall review the submittal for deficiencies. Within fifteen (15) days of receipt of the application, the City Planner shall notify the applicant of any deficiencies or the application shall be accepted for consideration before the Planning and Zoning Commission, unless said timeframe is mutually waived. Applicant must respond to the City Planner's list of deficiencies within thirty (30) days or the application is deemed void, unless such timeframe is mutually waived. Applications are scheduled for consideration by Planning and Zoning when all submission requirements are

met. Upon receipt of the application, which has been determined to be complete by the City Planner, the application shall be referred to the Planning and Zoning Commission. However, if staff determines an application to be incomplete, the applicant may request in writing that the application be forwarded to the Planning and Zoning Commission, nonetheless.

3. *Planning and Zoning Commission Procedure.* The Planning and Zoning Commission shall hold a public hearing before their body. The Planning and Zoning Commission shall investigate and make a report and recommendation on such proposed "C-5" Planned Commercial District and associated Site Development Concept Plan. The recommendation shall be based upon general planning considerations, including consistency with good planning practices and compatibility with adjoining permitted developments and uses. A recommendation of approval shall include recommended conditions to be included in the ordinance authorizing the establishment of the Planned Commercial District or approval of the site development concept plan in a Planned Commercial District. Such report and recommendation shall be filed with the Council within sixty (60) days of official submission to the Commission unless said time period is extended by mutual agreement in writing. The failure of the Commission to act within sixty (60) days after the date of official submission to it shall be deemed approval. The "date of official submission" shall mean the date of the first (1st) official Planning and Zoning Commission meeting during which the application is received and placed on the agenda for consideration.
4. *City Council Procedure.* Upon receipt of the report and recommendation of the Planning and Zoning Commission, the Council shall hold a public hearing in relation to the application. The City Council may, at its discretion, add to or delete conditions recommended by the Planning and Zoning Commission. The City Council may refer the application back to the Planning and Zoning Commission for further study before making its final decision. The decision rendered by the City Council shall require a simple majority vote except that a vote of at least two-thirds (2/3) of all the members of the City Council will be required to approve any application contrary to the Planning and Zoning Commission recommendation.

After passage by the Council of an ordinance authorizing the establishment of a Planned Commercial District and approval of the site development concept plan, a final plan(s) shall be submitted to the City Planner for review and approval. The City Planner shall ascertain the final plan(s) complies with the minimum and maximum requirements established in the conditions of the specific ordinance governing the Planned Commercial District and, further, complies with provisions of the subdivision ordinance and other applicable City ordinances. Within sixty (60) days of approval, the final site development plan shall be

recorded with the St. Louis County Recorder of Deeds and thereby authorize development as depicted thereon.

J. *Procedure For Amendment Of Conditions Or Recorded Plans.* In order to amend the provisions of an existing "C-5" District ordinance or to amend the recorded site development plan approved for the Planned Commercial District, the procedure shall be as follows:

1. The property owner or authorized representative shall submit a written request to amend ordinance conditions or to amend the recorded site development plan approved for the Planned Commercial District to the City Planner for review.
2. Upon receipt of the City Planner's review, the Planning and Zoning Commission shall conduct a public hearing on the proposed amendment in accord with proceedings specified in Section **400.180**, Zone Changes to the zoning ordinance. The Planning and Zoning Commission shall then review the proposed ordinance amendment and forward a recommendation to the Council.
3. The Council will make the final determination of the matter after conducting a public hearing.
4. All amendments to site development plans shall be recorded with the St. Louis County Recorder of Deeds within sixty (60) days of Council approval.
5. *Exception.* Minor revisions to the recorded site development plan(s), which comply with the minimum and maximum requirements established in the conditions of the specific ordinance governing the Planned Commercial District, the provisions of the subdivision ordinance and other applicable City ordinances, may be approved by the City Manager.

K. *Guarantee Of Improvements.* Unless otherwise provided for in the conditions of the ordinance governing a particular Planned Commercial District, no building permits or permits authorizing the occupancy or use of a building, facility, commercial establishment or service concern may be issued until required related off-site improvements are constructed or a performance bond, escrow or other acceptable instrument is posted covering their estimated cost as determined by the City Engineer. This requirement shall not apply to foundation permits or permits necessary for the installation of required related off-site improvements. Required related off-site improvements shall include, but not be limited to, streets, sidewalks, sanitary and storm sewers, street lights and street trees. If a Planned Commercial District is developed in sections, the requirement shall also apply to all major improvements necessary to the proper operation and function of the section in question, even though such improvements may be located outside of the section in question.

L. *Failure To Commence Construction.* Substantial construction shall commence within six (6) months of recording the final site development with the St. Louis County Recorder of Deeds, unless such time period is extended by the City

Engineer. "*Substantial construction*" is defined as the completion of excavation for footings and foundations. If substantial construction or development does not begin within the time period specified in the conditions of the ordinance governing the district or extensions authorized therein, the Planning and Zoning Commission may within forty-five (45) days call for a new public hearing to revert the property to its prior zoning classification in accord with proceedings specified in Section **400.180**, Zone Changes to the zoning ordinance. No building or occupancy permit shall be issued for the development or use of the property until completion of action by the Council on the proceedings to rezone the property in accord with the provisions of the above noted Section.

If you still have questions, contact Ada Hood at ahood@ellisville.mo.us or 636-227-9660.