
Sponsored by: Mayor Hennessy

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF TITLE IV: LAND USE, CHAPTER 400, CHAPTER 402, AND TITLE IV APPENDIXES RELATED TO REGULATIONS PERTAINING TO DEVELOPMENT ACTIVITIES WITHIN THE CITY OF O'FALLON, MISSOURI.

WHEREAS, certain sections pertaining to procedures and standards for the zoning and development of property need to be clarified or amended for more effective regulation; and

WHEREAS, a Public Hearing was held on August 6, 2026 by the Planning and Zoning Commission regarding the proposed ordinance; and

WHEREAS, following the Public Hearing on August 6, 2026 by the Planning and Zoning Commission and after consideration of the request and testimony presented therein, the Planning and Zoning Commission recommended approval of the ordinance to the City Council; and

WHEREAS, a Public Hearing was held on August 13, 2026 by the City Council regarding the ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, MISSOURI, AS FOLLOWS:

SECTION 1: Section 400.035 Definitions of Article II Rules and Definitions of Chapter 400 Zoning Code of Title IV Land Use of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect)

AGGRIEVED PARTY

For the purpose of standing to file permitted appeals from decisions made in the course of administration of the City's land use regulations, an aggrieved party is one who:

1. Suffers a demonstrable and material adverse effect from the decision at issue; or
2. Is an owner or occupant of property adjacent to the subject property. For this purpose, property which would be adjacent to the subject property but for an intervening street, alley or common ground shall be deemed to be "adjacent."

SECTION 2: Section 400.162 Senior Community Overlay District of Article IV District Regulations of Chapter 400 Zoning Code of Title IV Land Use of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect)

D. General Standards And Density Determination

1. General Standards. A senior community shall comply with the following general standards:
 - a. All dwellings in a senior community shall be subject to an age restriction described in a deed/deed rider or restrictive covenant and shall be reviewed by the City Attorney and approved by the City Council. The age restriction shall limit the dwelling units to occupancy by seniors age fifty-five (55) or older; or their spouses of any age; or other persons if medical need can be established in accordance with the standards established in the deed/deed rider or restrictive covenant. The conditional use permit and the age restrictions described above shall run with the land and shall be enforceable by any occupant of dwelling units in the senior community. These deed restrictions and indentures shall also be enforceable by the City and can not be changed or otherwise amended without the City's consent.

SECTION 3: Section 400.605 (Reserved) of Article XIV Site Plan Review of Chapter 400 Zoning Code of Title IV Land Use of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect)

Appeal.

An aggrieved party may within fifteen (15) days of the decision for which redress is sought file with the City Council a written request for reconsideration and appeal of any decision of the Planning and Zoning Commission or the City under this Article. The written request must set forth in a concise manner the decision being appealed and all grounds known to the appellant as to wherein and why the decision is allegedly in error. The request for reconsideration and appeal must be filed with the City Clerk within the time specified above. A copy of the request and all supporting documents or materials filed by the aggrieved party must served by the aggrieved party on the applicant (if different than the aggrieved party) by personal service or by certified U.S. mail, return receipt requested, within three (3) days of filing with the City Clerk. Proof of service on the applicant must be filed with the City Clerk within six (6) days of filing of the request. The City Council may consider the appeal on the record of the prior decision and the City's records or may, at its sole discretion, receive additional evidence in such manner as it deems appropriate in light of the circumstances.

SECTION 4: Section 402.090 Commercial Zoning Districts ("C-0" Through "C-3") of Article IV Minimum Tree Quantities and Location Requirements of Chapter 402 Trees and Landscaping of Title IV Land Use of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect)

One (1) tree for every forty (40) feet, or portion thereof, of street frontage, public or private, shall be required within the landscape setback abutting said street frontage (as determined by the type of roadway). Said trees may be clustered or arranged within the setback and need not be placed evenly at forty (40) foot intervals. In addition to the required trees, based upon street frontage, one (1) tree shall also be required for every three thousand (3,000) square feet of landscaped

open space. These may include the trees required in parking lots as set out in this Chapter. Trees along the roadway shall conform to the tree standards set forth elsewhere in this Chapter.

In addition to the requirements set forth above, one evergreen shrub for every five (5) feet, or portion thereof, shall be required around the perimeter all parking areas and drive aisles when adjacent to a portion of Right-of-Way that is adjacent to property zoned residential or used for residential purposes.

SECTION 5: Appendix A Listing of Permitted and Conditionally Permitted Land Uses of Title IV Land Use of the Municipal Code is hereby amended to read as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect)

Appendix A To Title IV, Permitted And Conditional Use Table														
Land Use Category	Zoning District Permitted Use (P) Or Conditionally Permitted Use (C) Or (C-A)													
	R-1	R-1A	R-2	R-3	R-4	R-5	C-O	C-1	C-2	C-3	I-1	I-2	AG	P-R
Athletic fields, playgrounds, and tot lots	P	P	P	P	P	P	P	P	P	P	C		P	P
Banks, savings and loans, and credit unions							P	P	P	P	C			
Commercial recreation not elsewhere listed (indoor)									C	C	C		C	C
Commercial recreation not elsewhere listed (outdoor)									C	C	C		C	C
Convenience stores (with fuel sales)									C	C	C			
Convenience stores (without fuel sales)								C	P	P	P			

Exhibition Halls									P	P	C		C	C
Fairgrounds										C	C		C	C
Kennels (boarding)									C	C	C		C-A	
Schools (trade and vocational)									P	P	P	P		
Stadiums									C	C	C			C
Storage, indoors (mini and self-storage)										C	C	P		

SECTION 6: It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

SECTION 7: The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of re-codifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

First Reading: August 13, 2026

Second Reading: August 27, 2026

BILL NO. 7880

ORDINANCE NO. 7335

PASSED BY THE CITY COUNCIL FOR THE CITY OF O'FALLON, MISSOURI, THIS 27TH DAY OF AUGUST, 2026.



Bill Hennessy
Presiding Officer

Attest:

Bess Bacher
Bess Bacher, City Clerk

APPROVED BY THE MAYOR FOR THE CITY OF O'FALLON, MISSOURI, THIS 27TH DAY OF AUGUST, 2026.



Bill Hennessy
Bill Hennessy, Mayor

Attest:

Bess Bacher
Bess Bacher, City Clerk

Approved as to Form:

Kevin M. O'Keefe
Kevin M. O'Keefe, City Attorney