

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI, INSTITUTING AN INTERIM STAY ON ACCEPTANCE OR PROCESSING OF APPLICATIONS FOR REZONING OF COMMERCIAL OR INDUSTRIAL PROPERTIES TO A PLANNED DEVELOPMENT DISTRICT OR PLANNED UNIT DEVELOPMENT OVERLAY.

WHEREAS, pursuant to Chapter 89 RSMo, the City is divided into zoning districts with enacted regulations and restrictions for each such district; and

WHEREAS, a purpose of such districts and regulations is to ensure compatibility of land uses, ensure adequate infrastructure exists to accommodate various uses, avoid a strain on resources, and, among other goals, promote public safety and the general welfare of the community; and

WHEREAS, the City enacted Ordinance No. 2401 regarding Planned Development Districts (PDDs) within the City and Ordinance 2330-A (PUDs) to create zoning approval for certain mixed-use developments; and

WHEREAS, in connection with a recent application for a PDD, the City received an unprecedented level of public participation and comment, providing the City with valuable feedback regarding the operation of the Planned Development District and Planned Unit Development Overlay regulations and their relationship to land-use compatibility, for adequate infrastructure and resources, public services, public safety and the long-term goals of the community; and

WHEREAS, following completion of that application process, and in light of the substantial public interest expressed by residents, the City Council determined that it to be appropriate to refer the Planned Development District and Planned Unit Development Overlay regulations to the Zoning and Planning Commission for further study and evaluation to determine whether any amendments, clarifications, or other revisions would further advance the purposes of the City's zoning regulations; and

WHEREAS, there are no pending applications requesting approval for a rezoning request from a commercial or industrial zoned property to a PDD or PUD; and

WHEREAS, to ensure that the Zoning and Planning Commission and City Council fairly, properly, and rationally fulfill its duties and restudy an issue requested by numerous residents with sufficient time for adequate public involvement and study of the City's Comprehensive Plan, it is necessary to temporarily preserve the status quo by enacting a temporary stay on the acceptance or processing of an application for a rezoning request from a commercial or industrial zoned property to a PDD or PUD until the City can thoroughly review and explore possible revisions; and

WHEREAS, in the case of exigent circumstances, the City Council desires to provide for consideration of a request by a property owner for relief from the interim stay of acceptance to provide for the acceptance and processing of an application upon demonstration of undue hardship or claim of unlawful impact; and

WHEREAS, the adoption of this Ordinance and interim stay of acceptance of applications has been considered and recommended by the Zoning and Planning Commission and been the subject of a public hearing after due notice as required by law; and

WHEREAS, the City Council hereby finds, determines and declares that adoption of the interim stay of acceptance hereinafter established is necessary and in the best interests of the health, safety, and general welfare of the City and its inhabitants; and

WHEREAS, this bill having been made available for public inspection prior to its consideration by the City Council and read by title two times in open meeting prior to its passage.

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

Section 1. That the City Council hereby directs, beginning immediately, that the City shall not accept or process applications for approval of a rezoning request from a commercial or industrial zoned property to a PDD or PUD, for a period up to and including **November 16, 2026** while the City investigates possible revisions to the Zoning Ordinance of the City of Ladue. The City Council may terminate the stay at any time by a vote of a majority of the members present at any meeting but, in no event shall the stay extend beyond **November 16, 2026**, unless the City extends the date by majority vote of the members present at any meeting.

Section 2. Review Procedure

(a) The City Council may upon written application of claimed undue hardship or claim of unlawful impact from this interim stay, grant waiver of the stay upon the applicant establishing by clear and convincing evidence that the acceptance, processing, and approval of the application for a rezoning request from a commercial or industrial zoned property to a PDD or PUD, will not undermine the thorough, complete, and well-reasoned examination of the necessity of revisions to the City's Zoning Code. If the Council determines that such action will not undermine the spirit and intent, it shall direct that the application be accepted for processing or processed as the case may be.

(b) If the City Council denies the claimed exemption based upon review of the written application, the applicant, within ten (10) days of such denial, may file a petition with the City's Board of Adjustment requesting a hearing on the denial of its application. The Board of Adjustment shall review the facts and information presented by the petitioner and make a recommendation to the City Council as to whether the denial constitutes an unconstitutional taking without just compensation or is otherwise contrary to law or constitutes undue hardship. The Board of Adjustment shall review the facts in light of the applicable City, state, and federal law. An affirmative vote of four (4) of the five (5) members of the Board shall be required to overturn the Council's decision.

(c) If the Board of Adjustment fails to hear and make a recommendation on the petition within forty-five (45) days after the filing of the petition, the action of the City Council shall be deemed returned to the City Council, as set forth in subsection (d), without recommendation; *provided*, that the Chair of the Board of Adjustment may extend the time to reach a decision, if prior to the expiration of the forty-five (45) day period, the Chair notifies the petitioner, in writing, of such extension.

(d) After completing the review, the Board of Adjustment shall make a determination regarding the petition and, if determined to be necessary and appropriate, make a recommendation to the City Council. The evidence before the Board of Adjustment shall be submitted with the recommendation to the City Council for final determination.

(e) After the Board of Adjustment renders its recommendation, the City Council shall have forty-five (45) days to take action on the petition or recommendation of the Board of Adjustment, unless extended by the City Council for cause. The action taken by the City Council at this time shall be deemed the final decision for purposes of judicial review. If the City Council fails to take the matter up within the forty-five (45) day period, the decision of the Board shall be final. No petition shall become final for purposes of judicial review of the action subject to review until the effective date of City Council action on the petition, or upon expiration of the review period after the petition is submitted to the City Council.

(f) In the event that the applicant claims irreparable harm will occur unless immediate review is granted, the applicant may request expedited review, upon facts justifying such action alleged by affidavit, whereupon the Board of Adjustment, if it determines it is appropriate, shall shorten the time for submissions and review.

Section 3. The City Council hereby adopts and incorporates the foregoing recitals and *Whereas* clauses into this Ordinance as though fully set forth herein.

Section 4. This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED THIS _____ DAY OF _____, 2026.

President, City Council

ADOPTED AND APPROVED THIS _____ DAY OF _____, 2026.

Nancy Spewak, Mayor

ATTEST:

Stacey Seymour, City Clerk