

## SECTION

### 23

#### AMENDMENT PROCEDURES

Sections:

- 23-1 General Authority and Procedure
- 23-2 Fees for Rezoning
- 23-3 Receipt of Applications
- 23-4 Public Hearing Before Planning Commission
- 23-5 Action by the Board of Aldermen
- 23-6 Conditional Use Permits
- 23-7 Limitations on Reapplications for Amendments
- 23-8 Limitation on Land Use

#### **Section 23-1. General Authority and Procedure**

**23-1.01 Application.** Any application made under the terms of these Zoning Regulations shall be made upon forms provide by the Community Development Department. Applications may be submitted in electronic formal and such submittals are encouraged.

#### **23-1.02 Who May Apply.**

1. An application for an amendment to the text of the Zoning Regulations may only be filed by the Board of Aldermen, the Planning Commission, the City Administrator or the Director of Community Development.
2. An application for rezoning a specific parcel may only be filed by the landowner, the landowner's authorized agent, or by the City, at the direction of the Board of Aldermen.
3. All other applications provided for by these Zoning Regulations may only be filed by the landowner or the landowner's authorized agent.

#### **Section 23-2. Fees.**

**23-2.01 Fees set by resolution.** A fee, in the amount set by resolution of the Board of Aldermen, shall accompany an application.

**23-2.02 No fee for certain applications.** No fee shall be required for an application filed by the Board of Aldermen, the Planning Commission, the City Administrator or the Director of Community Development.

### **Section 23-3. Receipt of Applications**

**23-3.01 Submission.** Applications shall be submitted to the Director of Community Development or his/her designee.

**23-3.02 Complete Applications.** Only complete applications, providing all information required under the terms of these Zoning Regulations, and accompanied by the appropriate fee, will be accepted by the Director of Community Development for processing.

1. The Director of Community Development shall have the authority to certify an application as complete or incomplete. If an application is certified as complete, then the Director of Community Development shall place said application on the Planning Commission's agenda for consideration. If a rezoning application is certified as incomplete, then the Director of Community Development shall return the application to the applicant with a written explanation of his determination.
2. The Director may require applicants for rezoning, conditional use permits, or site plans to submit any technical studies that the Director deems necessary to enable the Planning Commission or the Board of Aldermen to fully evaluate the application. Examples of technical studies that may be required shall include, but not be limited to, traffic studies, engineering studies, geologic or hydro geologic studies, flood studies, environmental impact assessments, noise studies, photometric plans (for outdoor lighting) or surface water management/drainage studies.

**23-3.02 Permanent Record to be Made.** Immediately upon receipt of a complete application, the Director of Community Development shall note thereon the date of filing and make a permanent record thereof.

### **Section 23-4. Public Hearing**

**23-4.01 Public Hearing, When Required.** No proposed changes to the Zoning Regulations, restrictions or boundaries shall become effective until after public hearing before the Planning Commission and Board of Aldermen in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. A public hearing may also be required by the terms of these Zoning Regulations.

**23-4.02 Notice.** Where a public hearing is required, public notice of the hearing shall be published by the Director of Community Development not less than fifteen (15) days prior to the date of said

hearing in a newspaper of general circulation legally authorized to publish such notices. Where the hearing is for consideration of changes in the text of these Zoning Regulations or a general revision of the boundaries of zoning districts, the notice shall contain a statement regarding the proposed changes in the Zoning Regulations or in the boundaries of the zone or district. Where the hearing is for an application that relates to specific property, the property shall be identified by general location description or street address. Proof of publication of such notice shall be filed with the Planning Commission in advance of said hearing by the Director of Community Development, who is responsible for such publications.

**23-4.03 Referral to Planning Commission.** Where a public hearing is required, the application shall first be submitted to the Planning Commission for recommendation and report. The Planning Commission shall cause an accurate written summary to be made of the proceedings.

**23-4.04 Rules of Procedure.** The Planning Commission and Board of Aldermen may adopt rules of procedure for consideration of applications.

## **Section 23-5. Action**

**25-5.01 Action by Planning Commission.** Where the Planning Commission serves as a recommending body, the Planning Commission may recommend approval, conditional approval or denial of an application. The final recommendation of the Planning Commission shall be forwarded to the Board of Aldermen. Where the Planning Commission has approval authority under the terms of these Zoning Regulations, the Planning Commission may approve, conditionally approve, or deny an application.

**25-5.02 Action by the Board of Aldermen.** The Board of may approve, conditionally approve or deny an application.

**25-5.03 Conditional Recommendations and Approvals.** In the consideration of any application, the recommending and the approving authority may stipulate that the recommendation or approval, as the case may be, is subject to compliance with certain specified conditions, including, but not limited to limitations on permitted uses, time of performance requirements, limitation on hours of operation, and provision of services and/or facilities to ensure that adequate public services and facilities are available to meet the need for such services and facilities generated by the development proposed by the application under consideration.

**23-5.04 Consideration of Applications.** Applications shall be considered in accordance with the provisions of Chapter 89 of the Revised Statutes of Missouri. Amendments, supplements, change, modification or repeal of the regulations, restrictions and boundaries, shall be designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve features of historical significance; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the values of buildings and encouraging the most appropriate use of land throughout such municipality.

**23-5.04 Protest Petition:** In the case of amendment, supplement, change, modification or repeal of the regulations, restrictions, and boundaries, a protest, duly signed and acknowledged (properly notarized) by the owners of thirty percent 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 and eighty-five feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds of all the members of the Board of Aldermen.

**23-5.05 Zoning Amendment to be Reflected on Zoning District Map:** If an amendment shall affect the boundaries of any zoning district, the amending ordinance of the Board of Aldermen shall define the change or boundary as amended and the Zoning District Map shall be so amended.

**23-5.06 Time of Performance in Rezoning**

1. In cases where the Planning Commission and Board of Aldermen deem that time of development is a critical factor in protecting the public welfare in a rezoning action, a time of performance may be included in the rezoning ordinance. Such time allowed for performance shall be reasonable. Such time shall be not less than eighteen (18) months from the date of publication of the rezoning ordinance for all rezonings and not less than twelve (12) months from the date of publication of the ordinance for all conditional-use permits. Such ordinance shall clearly state what constitutes performance in each case.

2. If, at the termination of such stipulated period of time performance as required has not occurred, the Planning Commission may, within reasonable time thereafter, publish notice and conduct a public hearing for purposes of determining whether or not a change in zoning to a more restrictive district would, at that time, be in the public interest. The owner of the property in question shall be notified by registered mail of the proposed hearing not less than fifteen (15) days prior to the date of the hearing. Other notification and posting as required in this section shall be performed by the City, and all proceedings shall be the same as for other rezoning actions.
3. It shall be the purpose of this hearing to hear the owner and other interested parties and make a determination as to which of the following actions would be recommended to the Board of Aldermen:
  - a. Extend the time of performance to a specified date.
  - b. Remove the time-of-performance section from that rezoning ordinance.
  - c. Rezone the land to another specific district.
4. After the hearing, the Planning Commission shall forward its recommendations to the Board of Aldermen. The Board of Aldermen will then act to approve, approve with conditions or disapprove the recommended action, consistent with these regulations.

### **Section 23-6. Conditional Use Permits**

**23-6.01** The application, site plan, notice, public hearing and action procedures set forth in this section shall be applicable to applications for Conditional Use Permits.

**23-6.02** Upon approval of a Conditional Use Permit, the Zoning District Map shall be changed to reflect such action.

### **Section 23-7. Limitations on Reapplications for Amendments**

**23-7.01** Whenever an application made under this section for an amendment has been finally acted upon by the Board of Aldermen under the provisions of this Ordinance, and the decision of the Board of Aldermen has been adverse to the applicant, the Board of Aldermen shall

not, for a period of one (1) year from the date of its decision, receive or entertain any identical or similar application seeking the same or similar relief as requested in the application first denied.