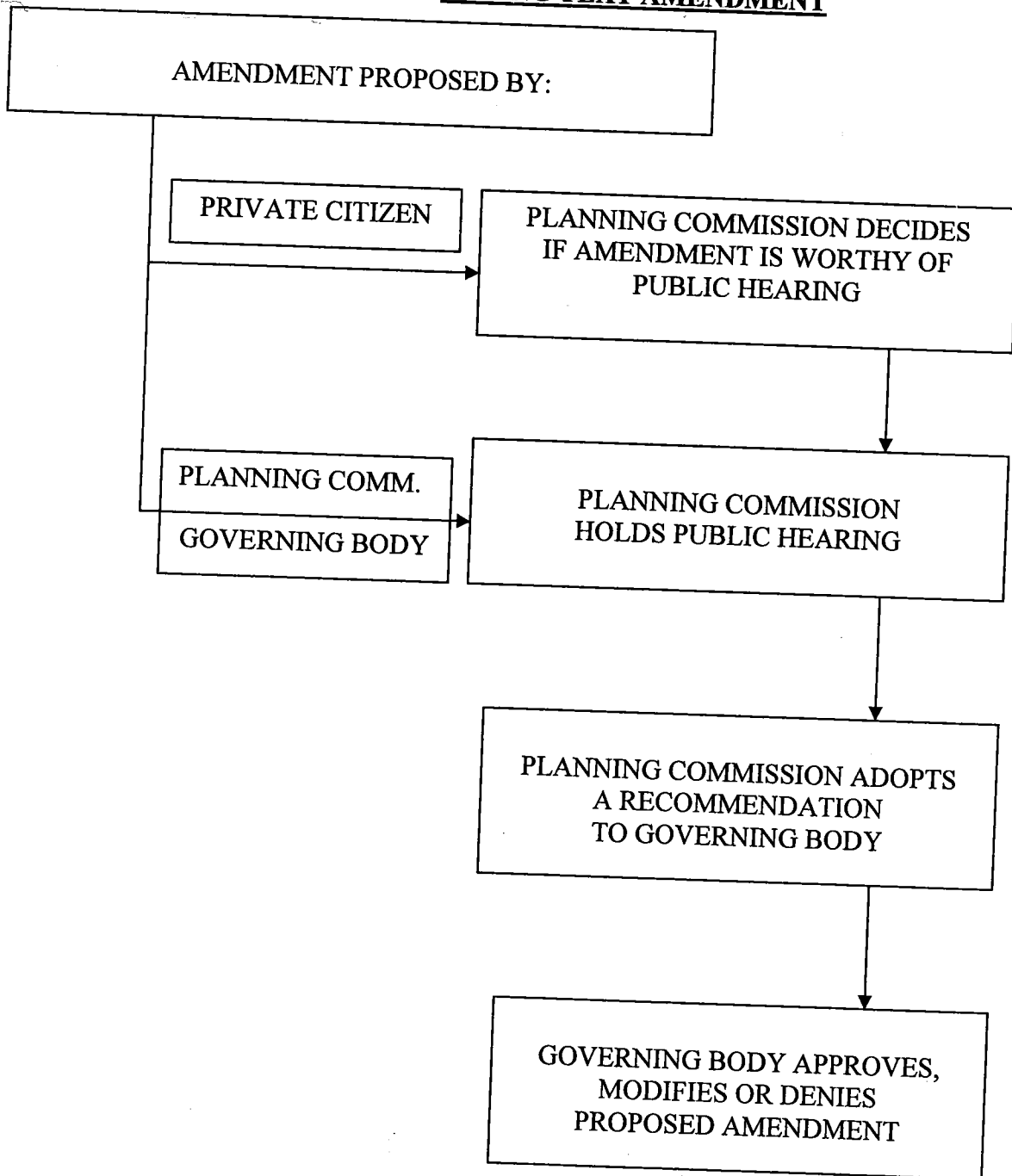


**ZONING TEXT AMENDMENT**



D. *Zoning Text Amendment Procedure.* Proposals for an amendment of the text of a zoning regulation are customarily initiated by either the Commission or the Governing Body. However, a private citizen may also begin the amendment process by submitting the proposed change to the Commission. The procedure for either approval or denial of such proposals for amendment are outlined below.

1. If the change is initiated by a private citizen, the Commission shall permit the individual to present the proposed amendment and the reasons for it at a regular meeting of the Commission. Based on the information presented at such meeting, the Commission shall determine whether the proposal is worthy of consideration as an amendment. If it is determined that the proposal has merit, the Commission shall set a date for a public hearing. The Planning and Zoning Department shall be responsible for having an official notice of public hearing published in a newspaper of general circulation at least fifteen (15) days prior to the hearing. This notice shall fix the time and place of the hearing and describe in general terms the proposed change. At the public hearing, citizens and parties of interest shall have an opportunity to be heard.
2. If either the Commission or the Governing Body initiates the text amendment, a public hearing shall be scheduled by the Commission. The Planning and Zoning Department shall be responsible for having an official notice of public hearing published in a newspaper of general circulation at least fifteen (15) days prior to the hearing. This notice shall fix the time and place of the hearing and describe in general terms the proposed change. At the public hearing, citizens and parties of interest shall have an opportunity to be heard.
3. The public hearing may be adjourned from time to time and upon its conclusion, the Commission shall prepare and adopt its recommendation to the Governing Body. This recommendation shall be submitted along with an accurate record of the public hearing. For action on zoning amendments, a quorum of the Commission must be present. A quorum is more than one-half ( $\frac{1}{2}$ ) the total membership of the Commission. A vote either for or against an amendment by a majority of the quorum constitutes a recommendation of the Commission. When neither a vote for nor a vote against the amendment has a majority of the quorum, it constitutes a "failure to recommend". Consequently, another recommendation must be made.

Protest petitions will be available in the planning and zoning office and must be filed within three (3) working days after the conclusion of the public hearing by the Commission. The petitions must be signed by all owners, including a spouse in jointly owned property, notarized and submitted within the three (3) day period in order to be valid. A sample form is included as part of this manual. In computing the protest area, it should be pointed out that the requirement is a protest by the owners of thirty percent (30%) or more of the land area to be affected by the proposed change and not thirty percent (30%) of the total number of owners; and that area devoted to public streets and rights-of-way is excluded from the computations. Protests or proposed zoning changes are allowed pursuant to Section 89.060, RSMo.

4. The Governing Body shall consider the proposed amendment, although not until the three (3) day protest period has expired, and may approve the recommendation of the Commission or take whatever action it deems necessary. If an adequate number of protest petitions have been filed, the change can be approved only by at least a two-thirds ( $\frac{2}{3}$ ) vote of all the members of the Governing Body pursuant to Section 89.060, RSMo. If the Governing Body approves the requested change, it shall adopt an ordinance to that effect.