

DIVISION II. PUBLIC HEARINGS AND NOTICES

Sec. 2.150. Public hearings.

A. When required.

1. ~~Two hearings required.~~ The following applications require a public hearings before the Planning Commission ~~and the Governing Body~~:
 - a. Unified Development Ordinance Text Amendments;
 - b. Rezoning;
 - c. Special use permit;
 - d. Conceptual Development Plan;
 - e. Preliminary Development Plan which require action by the Governing Body;
 - f. Street name change, except as provided below; and
 - g. Vacation of right-of-way.
2. ~~Commission hearing only. The following applications require a public hearing before the Commission only:~~
 - ~~a~~h. Comprehensive Plan;
 - ~~b~~i. Comprehensive Plan amendment;
 - ~~c~~j. Capital Improvements Plan;
 - ~~d~~k. Preliminary Development Plan for public facilities of the state, its lawfully designated subdivisions or agencies (including public school facilities).
3. Not required. Public hearings are not required for:
 - a. Preliminary plat;
 - b. Final plat;
 - c. Vacation of easement;
 - d. Sign application;
 - e. Street name change, where there is no objection to the proposed change by any affected property owner;
 - g. Administrative items. ~~The following items may be reviewed and approved administratively by City staff:~~
 - ~~(1) Final Development Plan that contains minor or no changes to an approved Preliminary Development Plan;~~
 - ~~(2) Minor plat.~~

- #### B. Purpose.
- The purpose of a public hearing is to provide the applicant, adjacent property owners, and all other interested parties a reasonable and fair opportunity to be heard, to present evidence relevant to the application, and to rebut evidence presented by others.

Sec. 2.160. Publication notices.

All public hearings required by this chapter shall be published in one issue of an official City newspaper or a newspaper of general circulation in the City. At least 15 days shall elapse between the date of the publication and the date set for hearing. Where the hearing is for consideration of changes in the text of this chapter or a general revision of the boundaries of zoning districts, the notice shall contain a statement regarding the proposed changes in the Chapter 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. The notice shall contain a general statement regarding the purpose of the application and a statement that public comment shall be heard.

Sec. 2.170. Notice to surrounding property owners.

Notice to surrounding property owners shall be required for rezoning, special use permit, conceptual development plan, preliminary development plan, street name change and vacation of right-of-way applications. The notice shall be given as follows:

- A. Time of mailing. The applicant shall mail all notices at least 15 days prior to the hearing, notifying the property owner of the opportunity to be heard.
- B. Mailed notice requirements. Mailed notice shall be sent, by certified mail, to the last known record owner of all property within 300 feet from the boundaries of the property for which the application is being considered. The notice shall state the time and place of the hearing, and include a general description of the proposal, a location map of the property, the general street location of the property subject to the proposed change, and a statement explaining that the public will have an opportunity to be heard at the public hearing. Failure to receive mailed notice shall not invalidate any action taken on the application.
- C. Notice of right to protest. In cases of applications for which protest petitions may be submitted, the notice shall also contain a statement explaining that property owners within an area determined by lines drawn parallel to and 185 feet from the boundaries of the district to be changed, shall have the opportunity to submit a protest petition. The petition shall be in conformance with this article.
- D. Proof of notification. A copy of the mailed notice and a list of notified property owners with their addresses, along with an affidavit, shall be filed with the City prior to the public hearing certifying that notice has been sent in accordance with this section.

(Ord. No. 8692, § 1, 8-6-2019; Ord. No. 9782, § 4, 11-14-2023)

Sec. 2.180. Posting of notice signs.

- A. Posting of notice sign requirement. Applications for rezoning, special use permit, conceptual development plan, preliminary development plan, street name change and vacation of right-of-way shall have a sign posted on their premises, by the applicant at least 15 days prior to the date of the hearing informing the general public of the time and place of the public hearing. The City shall furnish the sign to the applicant for posting. The applicant shall make a good faith effort to place and maintain the sign on the property for at least 15 days immediately preceding the date of the hearing, through the hearing, and through any continuances of the hearing. The sign shall be placed within five feet of the street right-of-way/property line, or as close thereto as possible, in a central position on the property that is the subject of the hearing. The sign shall be readily visible to the public. If the property contains more than one street frontage, one sign shall be placed on each street frontage so as to face each of the streets abutting the land. The sign may be

removed at the conclusion of the public hearing(s) and must be removed at the end of all proceedings on the application or upon withdrawal of the application.

- B. Sign protection. It shall be a violation of this chapter for any person to remove, deface or destroy any sign provided for in Subsection A. of this section.

Sec. 2.190. Public hearing procedures.

- A. Rules of procedure. The Governing Body, Commission and Board may adopt rules of procedure for public hearings by ordinance, resolution or bylaws.
- B. Written summary. An accurate written summary of the proceedings shall be made for all public hearings.
- C. Continuances:
1. One continuance as of right. Any applicant or authorized agent shall have the right to one continuance of a public hearing before the Commission, Governing Body or Board, provided that a written request for continuance is filed with the Director prior to opening the public hearing. The applicant shall make every reasonable attempt to notify all persons previously notified by mail of the continuance.
 2. Additional continuances. In addition to the procedure provided for in Subsection 1. of this section, the Commission, Board or the Governing Body may grant a continuance. A majority vote of those members of the official body present at the meeting shall be required to grant a continuance. The record shall indicate the reason for the continuance and any stipulations or conditions placed upon the continuance. If the Commission, Governing Body or Board agrees to a continuance of the public hearing, it may direct the applicant to re-notify property owners within 185 feet of the subject property, if such notification was required in the first instance, and provide proof of said re-notification to the Governing Body.
 3. Treatment of continuance and notice requirements. If an item that is subject to a public hearing is continued or otherwise carried over to a subsequent date and the public hearing has been opened, the public hearing shall not be deemed concluded until the date on which the hearing is formally closed. If a continuance provides the date on which the matter will be heard, re-publication of notice is not required. If a continuance does not specify a date on which the matter will be heard, public notice pursuant to this article, as applicable, shall be provided prior to the date on which the matter is heard.
- D. Action by Commission. A vote either for or against an application by a majority of all of the Commissioners present shall constitute a recommendation of the Commission. If a motion for or against an application fails to receive a majority vote (except in the case of a tie), the Commission shall entertain a new motion. A tie vote shall constitute a recommendation of denial. The Commission recommendation to approve, approve with conditions or deny shall be submitted to the Governing Body, accompanied by a written summary of the hearing. A recommendation and summary thereof shall constitute the final report of the Commission pursuant to RSMo 89.070.
- E. Governing Body action upon Commission recommendation. The recommendation of the Commission is advisory. When the Commission submits a recommendation to the Governing Body, the Governing Body, after holding a public hearing thereon after notification pursuant to this article, may take such action as it deems appropriate, including approval, approval with conditions, disapproval, amendment of the application and adoption as amended, or the Governing Body may return the application to the Commission for further consideration.
- F. Applications returned to Commission. Upon receipt of an application returned by the Governing Body, the Commission may resubmit its original recommendation giving the reasons therefor or submit a new or amended recommendation. If the Commission fails to deliver its recommendation to the Governing Body within ten days after receipt of the Governing Body's returned application, the Governing Body may consider

this inaction on the part of the Commission as a resubmission of the original recommendation and proceed with its consideration. For purposes of this subsection, the "receipt" of an application returned by the Governing Body shall be deemed to occur on the date of the first Commission meeting on which the returned item is placed on the agenda for consideration.

- G. Reconsideration by the Governing Body. Upon receipt of the Commission's recommendation after reconsideration, or if the ten-day period has elapsed following the Commission's receipt of the Governing Body's returned application, the Governing Body may take the action that it deems appropriate, including approval, approval with conditions, or disapproval. The Governing Body also may return the application to the Commission for further consideration. Unless the Governing Body returns the application to the Commission for further consideration or continues its consideration of the matter, the Governing Body's action on the application shall constitute a final decision.

(Ord. No. 8692, § 1, 8-6-2019)