

PROPOSED UDO CHANGES

Sec. 1.070. - Relationship to comprehensive plan and other policies.

It is the intention of the City that this chapter implement the planning policies adopted for the City as reflected in the Comprehensive Plan, as amended, and other planning documents. ~~While, The City reaffirms its commitment that this chapter and any amendment thereto be in conformity with adopted planning policies, the City hereby expresses its intent that neither this chapter nor any amendment thereto may be challenged merely on the basis of an alleged nonconformity with the Comprehensive Plan or other planning policy.~~

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 regular mail, to the last known record owner of all property within ~~485~~ 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.

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 ~~may~~ shall entertain a new motion. A tie vote, ~~or the failure to obtain a majority vote on any motion,~~ shall constitute a ~~"failure to recommend."~~ a recommendation of denial. The Commission recommendation to approve, approve with conditions ~~or deny, disapprove or failure to recommend~~ shall be submitted to the Governing Body, accompanied by a written summary of the hearing. A recommendation ~~of failure to recommend~~ 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.

Section 2.*** – Neighborhood Meeting

A. One neighborhood meeting is required for each application, which must occur within the initial 10 day review period and prior to re-submission of the application. More than one neighborhood meeting may be held on an application, at the option of the applicant.

B. Timing and Location: Within two miles of the project site, Monday through Thursday, excluding holidays; and start between 6:00 P.M. and 8:00 P.M. If a location for the meeting is not available within [2] miles of the subject property, the applicant shall select a location outside this area that is reasonably close to these boundaries.

C. Notification shall be sent by certified mail or delivered to property owners within 300 feet of the project site. Mailed notices shall be postmarked at least seven days prior to the meeting. Hand deliveries must occur at least five days prior to the meeting.

D. The Applicant shall take sufficient notes at the neighborhood meeting to recall issues raised by the participants, in order to report on and discuss them at public hearings before City governmental bodies on the application. The note shall be turned in with the application re-submittal.