

Attachment A
Repeal of Section 405.980 Subsection B

This section of the code is correct

SECTION 405.980

5. Such regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change duly signed and acknowledged by the owners of thirty percent (30%) 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 eighty-five (185) 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 (2/3) of all the members of the Board of Aldermen. The provisions of Section 89.050, RSMo., relative to public hearing and official notice shall apply equally to all changes or amendments.

This section of the code is incorrect because the language does not mimic the State Statute and causes a conflict with the Subsection above. Staff is proposing to repeal Subsection B as shown below.

REPEAL SECTION 405.980

~~B. At the public hearing held by the Board of Aldermen the recommendation of the Planning and Zoning Commission shall be announced and considered by the Board of Aldermen and the applicant and other interested persons may be heard on the proposed zoning change. Again, if thirty percent (30%) or more of the owners within one hundred eighty-five (185) feet of the property sought to be rezoned, exclusive of streets and alleys, have protested in writing, duly signed and acknowledged, then two thirds (2/3) of the members of the Board of Aldermen must vote in favor of the zoning change in order to enact such a change. If the vote of the Board of Aldermen is in opposition to the proposed zoning change, then no further action is necessary by the Board of Aldermen. If the vote is in favor of the proposed zoning change, an ordinance is signed by the appropriate City officials and is in full force and effect from that day forward.~~