

INTRODUCED BY:

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AN ORDINANCE AMENDING SECTION 400.150 OF THE BRENTWOOD CITY CODE REGARDING NOTICE OF ZONING ACTIONS.

Whereas, Section 89.050, RSMo. requires that all cities conduct public hearings prior to determining, establishing, amending, supplementing or changing zoning regulations or restrictions and provide notice thereof by publishing the same "in an official paper or a paper of general circulation in such municipality"; and

Whereas, the Board of Aldermen wishes to ensure that the notice and publication requirements of the Brentwood Zoning Code conform to the requirements of state law;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRENTWOOD, MISSOURI, AS FOLLOWS:

Section 1. Section 400.150 of Division 1 of Article II of Chapter 400 of Municipal Code of the City of Brentwood, Missouri, is hereby repealed and a new Section 400.150 is hereby enacted in lieu thereof to read as follows:

Chapter 400. Zoning

ARTICLE II. Administration and Enforcement

Division 1. Generally

Section 400.150 Notice and Hearing.

- A. Whenever the provisions of this Chapter require notice and hearing, the following procedures shall govern:
 1. *Time of publication, content.* It is the responsibility of those officials conducting the hearing to see that at least fifteen (15) days' notice of the time and place of the hearing is published in a newspaper of general circulation in the City of

Brentwood which has been qualified for official notice by the legal profession in St. Louis County in accord with Sec's 493.027 and 493.050, RSMo. and Local Rule 30 of the 21st Judicial Circuit. The notice shall state the time and place of the hearing and the subject matter of the hearing. When applicable, the notice shall also state where copies of reports, documents, applications, plans or other relevant material will be accessible for examination by interested persons prior to the hearing. City staff may also publish or provide additional notice from time to time, but no such additional notice shall be required.

2. *Record of proceeding.* The official or officials holding the hearing shall provide for maintaining a record of the hearing and for taking statements, evidence and testimony.
3. *Individual citizen notice.*
 - a. All those whom city staff have reason to believe to be residents or property owners within three hundred (300) feet of property which is the subject of a rezoning, site development or conditional use permit petition shall, upon receipt of the petition by the Zoning Administrator, be notified by mail that said petition was filed. Said notification shall give the date of the first (1st) discussion of the matter before the Planning and Zoning Commission.
 - b. When the date of a public hearing before the Board of Aldermen has been determined, a notice stating the time and place of the hearing and the subject matter of the hearing will be deposited in the U.S. Mail, postage prepaid, or hand delivered to those whom city staff have reason to believe to own or reside in property located within three hundred (300) feet of the property which is the subject of the action petitioned. When applicable, the notice shall also state where copies of reports, documents, applications, plans or other relevant material will be accessible for examination by interested persons prior to the hearing.
 - c. The Planning and Zoning Commission, at its sole discretion, may hold informational meetings intended to inform residents of the details of proposals involving new construction or uses within three hundred (300) feet of their homes. This is not to be construed as fulfilling the

requirement for the public hearings described above. Resident notification of the informational meeting is to be by depositing a post card or letter in the U.S. Mail, postage prepaid, or hand delivered to properties within three hundred (300) feet of the property for which new construction or a new use is petitioned.

SECTION 2: The Chapter, Article, Division and/or Section assignments designated in the Ordinance may be revised and altered by the codification company servicing the City’s Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations, the editor may also change other designations, the editor may also change the designations and numerical assignment of code sections to accommodate such changes.

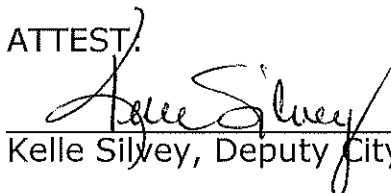
SECTION 3: It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses, phrases and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases and words or this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

SECTION 4: This Ordinance shall be in full force and effect from and after the date of its passage and approval according to law.

PASSED BY THE BOARD OF ALDERMEN THIS 19TH DAY OF AUGUST, 2024.




David A. Dimmitt, Presiding Officer

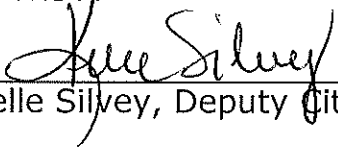
ATTEST:


Kelle Silvey, Deputy City Clerk

APPROVED BY THE MAYOR THIS 19th DAY OF AUGUST, 2024


David A. Dimmitt, Mayor

ATTEST:


Kelle Silvey, Deputy City Clerk

1st Reading: August 19, 2024
2nd Reading: August 19, 2024

