

Summary
Board Bill Number 90
Introduced by: Alderman Jeffrey Boyd
September 17, 2021

An ordinance amending the text of the zoning code **chapter 26.92** to hold public hearings for zoning items that meet Missouri State Statute requirements, to take place at the Planning Commission, in addition to a typical legislative hearing process.

Adding a public hearing to the planning commission would accomplish 4 things:

1. Allow the public to attend and be heard at a meeting in the evening, for which many more individuals would be able to attend; and
2. Provide the Planning Commissioners to hear from the public in determining their recommendation to the Board of Aldermen; and
3. Follow best practices whereby the public hearing in most municipalities in the St. Louis Region, as well as peer cities such as Des Moines, Pittsburgh, Chicago, New York City, Cincinnati, Kansas City, and Louisville, among others, takes place at the Planning Commission; and
4. Eliminate confusion for the Board of Aldermen around which legislation requires 15-day advance posting, and which do not.

It is important to note, that in order to ensure that Planning and Zoning Staff can meet the posting requirement for a public hearing at the Commission, a local requirement that currently requires the planning commission to review all zoning requests within 45 days will need to be amended to 60 days to allow postings to be completed in compliance with state law. While this, at face value, appears to add 15 days to a rezoning request, the legislative process will no longer need to meet the state statute requirement and therefore that time is simply removed from the legislative process and added to the planning commission process. Additionally, most petitions today are reviewed at the planning commission long before the 45th day; 13 petitions were reviewed in the last year, and the average time to review was 26 days.

BOARD BILL NUMBER 90 INTRODUCED BY: ALDERMAN JEFFREY BOYD

1 An ordinance amending **Section 24 of Ordinance Number 59979, codified in Chapter**
2 **26.92** of the Revised Code of the City of St. Louis, relating to public notice of hearings by
3 Planning Commission on making a change in the boundary of a zoning district map; requiring
4 the Planning Commission to publish notice of such hearings as provided herein; this ordinance
5 has an effective date.

6 **WHEREAS**, it is usual in many Missouri cities that the statutorily required and posted
7 public hearing for zoning changes occurs at the Planning Commission hearing; and

8 **WHEREAS**, the Planning Commission public hearing would be more convenient for
9 attendance by constituents who would not have to take off work to attend; and

10 **WHEREAS**, changing the statutorily required and posted public hearing to the Planning
11 Commission would eliminate confusion for the public as to which meeting to attend for public
12 input on the zoning change as opposed to the proposition of a board bill.

13 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

14 **SECTION ONE. Section 24 of Ordinance Number 59979, codified in chapter 26.92**
15 of the Revised Code of the City of St. Louis is hereby amended to be read as follows:

16 **26.92.010. – Initiation of Change.** Any amendment or change in the boundaries or
17 regulations herein shall be initiated in the following manner:

18 A. By motion of the Planning Commission; or

19 B. By the filing of a petition with the City Zoning Administrator, by the owner or
20 owners of the property within the district.

21 **26.92.020. - Petition Procedure.** The said petition shall be in writing on a form supplied
22 by the Zoning Administrator and shall contain a complete description of the property involved

1 and shall set forth fully the grounds of such petition and contain a recital of all the facts relied on
2 by the Ppetitioner. A fee, set forth in Chapter 26.98, shall be paid to the City upon the filing of a
3 petition, and under no conditions shall said filing fee or any part thereof be returned in the even
4 of unfavorable findings or recommendations on said petition by the Commission. After a study
5 and investigation and within ~~sixty forty five~~ **(60 45)** days of filing the petition, the Planning
6 Commission **shall hold a public hearing after public notice and hearing as provided in**
7 **Section 26.92.040 and** shall report to the Ppetitioner its findings and recommendations. Where
8 the Planning Commission recommends modification in the requested change, amendment or
9 supplement, said Ppetitioner may incorporate the recommended modification in the petition and
10 forward it to the Planning Commission for further study and said Commission shall report to the
11 Ppetitioner its findings and recommendations.

12 **26.92.030 - Action by Board of Alderman.** Upon receipt of the recommendation for the
13 Planning Commission or the expiration of ~~sixty forty five~~ **(60 45)** days from the date of first
14 filing said petition, change or supplement in the form of a proposed ordinance may be introduced
15 in the Board of Aldermen. Upon introduction in the Board of Aldermen in the form of an
16 ordinance, the Planning Commission shall forward to said Board its findings and
17 recommendations. Any amendment, supplement or change in the form of an ordinance pursuant
18 to the provisions of this chapter shall be introduced into the Board of Aldermen within one (1)
19 year from the date of the Planning Commission findings and recommendations. The Board of
20 Aldermen, ~~after public notice and hearing as provided in Section 26.92.040,~~ may amend,
21 supplement or change the boundaries or regulations herein or subsequently established.

22 **26.92.040 - Notice of proposed change.** When any bill petition that has as its purpose the
23 making of a change in the boundary of a zoning district map is ~~introduced in~~ **filed with** the

1 ~~Board of Aldermen~~**Planning Commission**, the committee to which it is referred for
2 consideration **the Planning Commission** shall require the Clerk of said Board Zoning
3 Administrator to:

4 a. Have a placard containing the words “Proposed change in zoning ordinance in
5 this block” printed in large type, placed in a conspicuous place on or in the
6 immediate vicinity of the property and block in which a change in zoning district
7 boundaries is proposed at least fifteen (15) days prior to any public hearing held
8 by the ~~Committee having jurisdiction thereof~~**Planning Commission**. Such
9 placard shall also have prominently displayed such relevant facts and information
10 pertaining to the proposed change, a designation by street address of the
11 property(s) to be changed and the date when those interested may appear before
12 the committee and be heard. ~~The bill proposing such zoning change shall also be~~
13 ~~attached to the placard beneath the relevant facts and information.~~

14 b. Have notice of the public hearing on the bill and the proposed changes published
15 in the official paper of the City of St. Louis or a paper of general circulation, at
16 least fifteen (15) days prior to said hearing.

17 ~~2.~~ 1. When a bill proposing an amendment to the provisions of the Zoning Code is
18 introduced in the Board of Aldermen, the committee to which it is referred for
19 consideration shall consider the board bill ~~require that notice of the public hearing in~~
20 **keeping with the rules of the Board of Alderman for committees.** and the proposed
21 changes be published in the official paper of the City of St. Louis or a paper of general
22 circulation ~~at least fifteen (15) days in advance.~~

1 **SECTION TWO.** All of the remaining provisions of **Ordinance Number 59979** shall
2 remain in full force and effect.

3 **SECTION THREE.** This ordinance shall have an effective date of January 1, 2022.

Chapter 26.92 - CHANGES AND AMENDMENTS

City Counselor Ops.: 7826, 7899, 8012, 8043, 93

Sections:

26.92.010 - Initiation of change.

Any amendment or change in the boundaries or regulations herein shall be initiated in the following manner:

- A. By motion of the Planning Commission; or
- B. By the filing of a petition with the City Zoning Administrator, by the owner or owners of the property within the district.

(1994 C., § 26.92.010; Ord. No. 69037, § 2, 11-18-2011; Ord. No. 59979, § 24(part), 1986.)

26.92.020 - Petition procedure.

The said petition shall be in writing on a form supplied by the Zoning Administrator and shall contain a complete description of the property involved and shall set forth fully the grounds of such petition and contain a recital of all the facts relied on by the petitioner. A fee, set forth in Chapter 26.98, shall be paid to the City upon the filing of a petition, and under no conditions shall said filing fee or any part thereof be returned in the event of unfavorable findings or recommendations on said petition by the Commission. After a study and investigation and within forty-five (45) days of filing the petition, the Planning Commission shall report to the petitioner its findings and recommendations. Where the Planning Commission recommends modification in the requested change, amendment or supplement, said petitioner may incorporate the recommended modification in the petition and forward it to the Planning Commission for further study and said Commission shall report to the petitioner its findings and recommendations.

(1994 C., § 26.92.020; Ord. No. 69084, § 2, 2-13-2012; Ord. No. 69037, § 3, 11-18-2011; Ord. No. 59979, § 24(part), 1986.)

26.92.030 - Action by Board of Aldermen.

Upon receipt of the recommendation of the Commission or the expiration of forty-five (45) days from the date of first filing said petition, the amendment, change or supplement in the form of a proposed ordinance may be introduced in the Board of Aldermen. Upon introduction in the Board of Aldermen in the form of an ordinance, the Planning Commission shall forward to said Board its findings and recommendations. Any amendment, supplement or change in the form of an ordinance pursuant to the provisions of this chapter shall be introduced into the Board of Aldermen within one (1) year from the date of the Planning Commission findings and recommendations. The Board of Aldermen, after public notice and hearing as provided in Section 26.92.040, may amend, supplement or change the boundaries or regulations herein or subsequently established.

(1994 C., § 26.92.030; Ord. No. 69037, § 4, 11-18-2011; Ord. No. 59979, § 24(part), 1986.)

26.92.040 - Notice of proposed change.

- A. When any bill that has as its purpose the making of a change in the boundary of a zoning district map is introduced in the Board of Aldermen, the committee to which it is referred for consideration shall require the Clerk of said Board to:
 1. Have a placard containing the words "Proposed change in zoning ordinance in this block" printed in large type, placed in a conspicuous place on or in the immediate vicinity of the property and block in which a change in zoning district boundaries is proposed at least fifteen (15) days prior to any public hearing held by the Committee having jurisdiction thereof. Such placard shall also have prominently displayed such relevant facts and information pertaining to the proposed change, a designation by street address of the property(s) to be changed and the date when those interested may appear before the committee and be heard. The bill proposing such zoning change shall also be attached to the placard beneath the relevant facts and information.
 2. Have notice of the public hearing on the bill and the proposed changes published in the official paper of the City of St. Louis or a paper of general circulation, at least fifteen (15) days prior to said hearing.
- B. When a bill proposing an amendment to the provisions of the Zoning Code is introduced in the Board of Aldermen, the committee to which it is referred for consideration shall require that notice of the public hearing and the proposed changes be published in the official paper of the City of St. Louis or a paper of general circulation.

(1994 C., § 26.92.040; Ord. No. 69037, § 5, 11-18-2011; Ord. No. 59979, § 24(part), 1986.)

City Counselor Ops.: 8360

Fiscal Note

Board Bill Number 90

Preparer's Name Cecilia Dvorak

Phone Number or Email Address (will be available publicly) 314-657-3873

Bill Sponsor Alderman Jeffrey Boyd

Bill Synopsis:	Board Bill would amend the text of the zoning code chapter 26.92 to hold public hearings for zoning items that meet Missouri State Statute requirements, to take place at the Planning Commission, in addition to the typical legislative hearing process.
Type of Impact:	Zoning Text Amendment, Citywide change.
Agencies Affected:	Zoning Office, Planning & Urban Design Agency.

SECTION A

Does this bill authorize:

- An expansion of services which entails additional costs beyond that approved in the current adopted city budget? ___Yes X No.
- An undertaking of a new service for which no funding is provided in the current adopted city budget? ___Yes X No.
- A commitment of city funding in the future under certain specified conditions? ___Yes X No.
- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted city budget? ___Yes X No.
- An execution or initiation of an activity as a result of federal or state mandates or requirements? ___Yes X No.
- A capital improvement project that increases operating costs over the current adopted city budget? ___Yes X No.

- A capital improvement project that requires funding not approved in the current adopted city budget or that will require funding in future years? _____ Yes X No.

SECTION B

- Does the bill require the construction of any new physical facilities? _____ Yes X No

- If yes, describe the facilities and provide the estimated cost:

- Is the bill estimated to have a direct fiscal impact on any city department or office? _____ Yes X No

- If yes, explain the impact and the estimated cost:

- Does the bill create a program or administrative subdivision? _____ Yes X No

- If yes, then is there a similar existing program or administrative subdivision? _____ Yes _____ No

- If yes, explain the how the proposed programs or administrative subdivisions may overlap:

- Describe the annual operating, equipment, and maintenance costs that would result from the proposed bill, as well as any funding sources:

Complete the chart below to list the total estimated expenditures required of the City resulting from the proposed board bill and any estimated savings or additional revenue.

Financial Estimate of Impact on General Fund			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	N/A	N/A	N/A
Additional Revenue	N/A	N/A	N/A
Net	N/A	N/A	N/A
Financial Estimate of Impact on Special Funds			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	N/A	N/A	N/A
Additional Revenue	N/A	N/A	N/A
Net	N/A	N/A	N/A

- Describe any assumptions used in preparing this fiscal note:

- List any sources of information (including any City officials, agencies, or departments) used in preparing this fiscal note:

- Have the financial estimates of this bill been verified by the City Budget Division? Yes No

○ If yes, by whom? _____ .