



# *City of Duquesne*

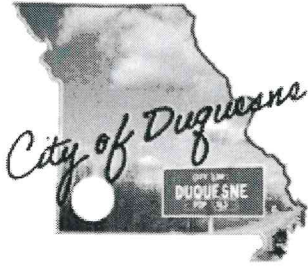
## *SOP Rezoning*

Standard Operations Procedure

Address: \_\_\_\_\_ Date: \_\_\_\_\_  
Applicant's Name: \_\_\_\_\_ Phone # \_\_\_\_\_

### *Rezoning*

- ☐ 1. Provide the applicant with a Rezoning Application and packet information.
- ☐ 2. Make sure application is completely filled out by the applicant.
- ☐ 3. Post a notice of hearing sign on the property in question not less than fifteen days prior to the date set for public hearing. (Ordinance No 404.155 C)
- ☐ 4. A written notice would need to be mailed out to all landowners within one hundred eight-five feet of the proposed use. (Refer to Ordinance No 404.155 C)
- ☐ 5. A notice of hearing would need to be published in an official newspaper not less than fifteen days prior to the date set for public hearing. (Refer to Ordinance No 404.155C)
- ☐ 6. A public hearing should be held before the Planning and Zoning commission.
- ☐ 7. A public hearing should be held before the Board of Aldermen.
- ☐ 8. After approval from the Planning & Zoning and Board of Aldermen paper work needs to be recorded on our zoning map.
- ☐ 9. Collect Fee of \$325.00.
- ☐ 10. Remind applicant that their presence is required at the Scheduled Public Hearings.



# Rezoning For The City of Duquesne, MO

Included in this packet is information that may be valuable to you as you work towards obtaining your Rezoning.

Attached are the ordinances pertaining to the codes of the City of Duquesne.

All provisions in the 2006 International Building Code must be followed, along with any additional City of Duquesne codes.

For rezoning the applicant shall post a notice on the property in the form of a sign provided by the City Planning Commission. Please refer to Code 404.155 C3 for details. Cost of said sign shall be paid by the applicant.

Fees to be paid include: Rezoning \$325.00 for each rezoning application.

Applicant's presence at the Public Hearing is required.

All fees must be submitted to the City Clerk.

## Rezoning for the City of Duquesne

### **Section 404.155. Zoning Amendment Procedure.** **[R.O. 2004 § 404.155; Ord. No. 106 § 1, 7-21-2008]**

- A. Amendments To Change Zoning Regulations Or District Boundaries. The City of Duquesne Board of Aldermen from time to time may supplement, change or generally revise the boundaries or regulations contained in zoning regulations by amendment. A proposal for such amendment may be initiated by the Board of Aldermen or the City Planning Commission. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the amendment may be initiated by application of the owner of property affected. Applications for special use permits shall be considered by the same procedure as zoning district amendments. Any such amendment, if in accordance with the adopted Comprehensive Plan, shall be presumed to be reasonable.
- B. Public Hearing. All such proposed amendments first shall be submitted to the City Planning Commission for recommendation. The Commission shall hold a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. The public hearing shall be held at the next regular meeting of the City Planning Commission for which the application may be scheduled. The City Planning Commission shall cause an accurate written summary to be made of the proceedings and shall give notice of the hearing as provided in these regulations.
- C. Notice Of Hearing.
1. At least fifteen (15) days' notice of the time and place of such hearing shall be published in an official newspaper of the City. Such notice shall fix the time and place for such hearing and contain a statement regarding the proposed changes in regulations or restrictions or in the boundary or classification of any zone or district. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the property shall be designated by legal description or a general description sufficient to identify the property under consideration.
  2. In addition to such publication notice, written notice of such proposed amendment shall be mailed before the hearing to owners of record of lands located within at least one hundred eighty-five (185) feet of the proposed to be altered. Notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available. When the notice has been deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the City. In addition to such publication notice, written notice of such proposed amendment shall not invalidate any subsequent action taken by the City Planning Commission to recommend amendments to zoning regulations which affect only a portion of the land described in the notice.
  3. The applicant shall post a notice on the property in the form of a sign provided by the City Planning Commission. Placement of such sign shall be in the center of the property in question, no more than five (5) feet from the front yard right-of-way line. Placement shall be made at least fifteen (15) days prior to the scheduled public hearing and must remain until after the Board of Aldermen has received and acted upon the recommendation of the City Planning Commission. The cost of said sign or signs shall be paid by the applicant.
- D. Adoption.
1. The procedure for consideration of and adoption of a recommendation to amend zoning district boundaries shall require a majority of the full membership of the City Planning Commission at the hearing to recommend approval or denial of the amendment to the Board of Aldermen. If the City Planning Commission fails to make a recommendation on a rezoning request, the City Planning Commission shall be deemed to have made a recommendation of denial.
  2. Upon the receipt of the recommendation of the Planning and Zoning Commission and protest petitions that may have been submitted, the Board of Aldermen shall consider the application and may approve the recommendations of the City Planning Commission or take whatever action it deems necessary. If a proposed amendment is not acted upon finally by the Board of Aldermen within one hundred twenty (120) days after the recommendation of the City Planning Commission is submitted to it, such proposed amendment shall be deemed to have been defeated and denied, unless the applicant for such amendment shall have consented to an extension of such period of time. Whenever a proposed amendment is defeated, either by vote of the Board of Aldermen or by reason of the operation of this Section, such amendment shall not thereafter be passed without



a further public hearing and notice thereof as provided in this Chapter.

3. If the Board of Aldermen returns the City Planning Commission's recommendation, the City Planning Commission, after considering the same, may resubmit its original recommendation giving the reasons therefore or submit a new and amended recommendation. Upon the receipt of such recommendation, the Board of Aldermen may adopt or may revise or amend and adopt such recommendation or it need take no Further action thereon. If the City Planning Commission fails to deliver its recommendation to the Board of Aldermen following the City Planning Commission's next regular meeting after receipt of the Board of Aldermen's report, the Board of Aldermen may consider such course of inaction on the part of the City Planning Commission as a resubmission of the original recommendation and proceed accordingly.

E. Application. Any party desiring to amend a zoning district boundary or regulation contained in this Chapter, as to any lot, tract or area of land, shall file with the City Planning Commission an application for such amendment. All applications for an amendment shall be accompanied by such data and information as prescribed in these regulations.

F. Application Fee. A fee in an amount of three hundred twenty five dollars (\$325.00) shall accompany each amendment application. This fee is intended to cover the cost of publication and other costs normally incident to the rezoning process, but not engineering costs as set forth in sub-section I below. Said fee shall be deposited with City Planning Commission at the time said amendment application is filed.

G. Findings. In order to recommend, approve or disapprove a proposed zoning district amendment, the City Planning Commission shall make findings to determine whether the application is found to be compatible with the following:

1. Character of the neighborhood.
2. Consistency with the Comprehensive Plan and ordinances of the City of Duquesne.
3. Adequacy of public utilities and other needed public services.
4. Suitability of the uses to which the property has been restricted under its existing zoning.
5. Compatibility of the proposed district classification with nearby properties.
6. The extent to which the zoning amendment may detrimentally affect nearby property.

H. Protest Of An Amendment By Petition Of Property Owners. Regardless of whether or not the City Planning Commission approves or disapproves a zoning amendment, if a protest against such amendment is filed after the conclusion of the public hearing in the office of the City Clerk, duly signed 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 petition shall be presented to the Board of Aldermen at the time the City Planning Commission recommendation is acted upon; and further, 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.

I. Reimbursement of the City's Actual Engineering Expenses. In addition to all other fees set forth in the Section, applicant shall be responsible for reimbursing the City for any actual expenses, not including the cost of publication and other costs normally incident to the rezoning process, incurred by the City which are necessary to the City's zoning amendment procedure. Such fees may include, but are not limited to, engineering and other associated fees incurred by the City in connection with the City's review of the application, storm water control issues and other necessary expenses reasonably incurred by the City. The City Clerk shall provide notification in writing to the applicant within ten (10) days of the City's receipt of any such expense incurred by the City unless, for good cause, a longer period for such notification is necessary. Such notification shall be reasonable detailed. No zoning amendment shall be granted until all such fees have wither been paid or, alternatively, satisfactory arrangements have been made for payment.

J. Applicant's Presence at Scheduled Public Hearings Required. Any person desiring to amend a zoning district boundary or regulation contained in the Chapter shall be present, either in person or by duly appointed representative, at all public hearings required by this Chapter. Neither the Planning and Zoning Commission nor the Board of Aldermen shall act favorably upon any such amendment if such person or representative fails t be present as herein required.

# REZONING APPLICATION

City of Duquesne

You must provide all requested information on the request. Blanks may delay processing of your request.  
(Write "n/a" if information is not applicable.)

Date: \_\_\_\_\_

Filing Fee: \$325.00

Owner: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Fax: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email Address: \_\_\_\_\_

Applicant: \_\_\_\_\_ Relationship to Owner: \_\_\_\_\_  
(person to whom all correspondence will be sent)

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email Address: \_\_\_\_\_ Fax: \_\_\_\_\_

Property Location: \_\_\_\_\_

Legal Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (attach separate sheet if necessary)

Adjacent Zoning and Land Use:	Existing Land Use	Zoning
North	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

NOTE: The City's Zoning Ordinance may be viewed in its entirety at the City Hall – 1501 S Duquesne Road.

8/7/2018

Present Use of Property: \_\_\_\_\_

Proposed Use of Property: \_\_\_\_\_

Current Zoning: \_\_\_\_\_ Zoning Requested: \_\_\_\_\_

Reason for Request: ☐ Denied Permit ☐ Change of Land Use ☐ New Development

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Applicant's Signature (if different)

**Return Form to:** City Clerk at City Hall

**Office Use Only:** Date Received: \_\_\_\_\_ Hearing Date: \_\_\_\_\_

Approved: ☐ Yes ☐ No Filing Fee: \_\_\_\_\_