

# ***BOONE COUNTY PLANNING & BUILDING INSPECTION REZONING APPLICATION INSTRUCTIONS***

## **REVISION TO THE ZONING MAP**

A revision to the zoning map (rezoning) is a legislative action undertaken by the County Commission. A request for a rezoning revision may be undertaken only by the property owner or their authorized agent. Such action is usually undertaken in order to permit a land use that was prohibited under the previous zoning district. There is a ***\$300 non-refundable fee paid when application is submitted. A mailing fee of \$5.54 (or current postage cost for Certified Mail) per property owner within 1000 feet of the request and an advertising fee to cover the public notice in the local newspaper. The additional fees must be paid prior to the Monday before the scheduled meeting.***

There are two public hearings involved with a request for a revision to the zoning map. Unless otherwise noted the meetings are held in the County Commission Chambers at the Boone County government Center, 801 E. Walnut, Columbia, MO. The first hearing is before the Planning and Zoning Commission (eleven members) and the second hearing is before the County Commission (three members). The Planning Commission forwards a recommendation to the County Commission who makes the final decision to either grant or deny the revision. The date and time of the County Commission hearing will be announced at the Planning and Zoning public hearing. AN APPLICANT OR THEIR REPRESENTATIVE MUST BE PRESENT AT BOTH HEARINGS IN ORDER TO DESCRIBE THEIR REQUEST AND ANSWER QUESTIONS FROM THE COMMISSION.

During the hearing the applicant or their representative will present their request to the Commission and answer any questions, which may arise. The presentation will include a staff report in addition to any additional information, documentation, speakers, letters, etc. the applicant deems necessary. Visual aid such as video presentations, slide shows and oversized visual displays can be accommodated with adequate notification of staff.

Any interested party (neighbors, community groups, friends, public citizen) may also ask questions and/or speak in favor of or in opposition to a request. The interested party may ask questions or express concerns regarding the zoning change. All questions, statements and/or opinions should be addressed to the Commission. Letters and written statements are also acceptable and may be entered into the minutes, however written statements do not provide for cross examination and so do not carry as much weight as does a personal appearance. There is a procedure where adjoining property owners may protest a rezoning request. A properly filed protest petition requires that two members of the County Commission vote in favor of the rezoning for it to be approved. This procedure is outlined in the following material.

No application for revision of the Zoning District Map will be accepted if it is the same or substantially the same as an application submitted within the previous 12 months and which was denied by the County Commission or withdrawn by the applicant.

## APPLICATIONS - REZONING REQUEST

Before any action shall be taken on a petition submitted under the provisions of this section, the party or parties proposing a change in the district regulations or district boundaries shall deposit with the County Planning Office the rezoning fee established by the County Commission to cover the approximate cost of this procedure and under no condition shall said sum or any part thereof be refunded for failure of the requested change to be adopted by the County Commission. In addition, the applicant shall furnish the names of the adjacent property owners within one thousand (1,000) feet of the proposed change and shall pay all mailing costs for notification of these owners.

## APPLICATIONS FOR AMENDMENT TO THE ZONING DISTRICT MAP SHALL INCLUDE THE FOLLOWING INFORMATION:

1. The name, address and telephone number of the property owner and the potential buyer or lessee of the property. Corporate applicants shall list the names, titles and addresses of the officers and the Board of Directors of the corporation. A copy of the corporate certificate of good standing with the state of Missouri shall be attached.
2. A legal description of the property included in the request. Proof of ownership shall be attached to the application.
3. The present zoning of the land included in the request.
4. The present use of the land included in the request.
5. The size of the tract to be rezoned, broken down either by acreage or square feet.
6. The zoning district to which the applicant wants property rezoned.
7. The zoning of the adjacent land.
8. The proposed use of land, should the request to rezone be approved.
9. The approximate size and location of any existing structures on the property to be rezoned, including wastewater system. The applicant should also list the approximate size of buildings proposed to be built.
10. The reason and justification for the request being submitted.
11. A sketch of the tract of land showing the location of existing and proposed structures.
12. The signature of the property owner or his authorized agent. In the absence of the signature of the owner, the applicant shall attach a written power of attorney signed by the owner.
13. The names and mailing addresses of all property owners owning land within 1,000 feet of the property under consideration for rezoning.
14. Failure to provide any of the required material will result in the invalidation of the application.

**AN APPLICANT FOR A CHANGE IN THE ZONING DISTRICT MAP SHALL HAVE THE RESPONSIBILITY TO DEMONSTRATE TO THE PLANNING COMMISSION AND THE COUNTY COMMISSION BY COMPETENT, SUBSTANTIAL EVIDENCE THAT THE PROPOSED CHANGE IN THE ZONING DISTRICT MAP IS JUSTIFIED.**

PUBLIC HEARINGS - REZONING REQUESTS

Before the adoption of a revision to the Zoning District Map, the County Commission shall hold at least one public hearing thereon. At least 15 days prior to the public hearing, the Director shall give notice by certified mail to all owners of any real property located within one thousand feet of the parcel of land for which the change is proposed. Additionally, notification shall be provided through publication of a locality map in a newspaper having a daily circulation at least 15 days prior to hearing before the County Commission.

In cases where the Planning Commission recommends approval of an application, THE COUNTY COMMISSION WILL SUMMARILY DENY THE APPLICATION IF: (1) the applicant does not appear at the County Commission hearing in person or by representative with the written authorization of the owner, and (2) there is opposition to the application expressed in person at the County Commission hearing.

In cases where the Planning and Zoning Commission recommends denial of a request, THE COUNTY COMMISSION SHALL SUMMARILY ENDORSE DENIAL ACTION OF THE PLANNING COMMISSION UNLESS: (1) the applicant files in the Department office within 72 hours (three working days) following the Planning Commission hearing a notice of appeal to the County Commission stating grounds why the Planning Commission recommendation for denial is in error, and (2) the applicant appears before the County Commission in person or by representative with written authority of the owner.

IN CASE OF WRITTEN PROTEST AGAINST ANY PROPOSED CHANGE OR AMENDMENT, signed and acknowledged by the owners of twenty (20) percent of the frontage within one thousand (1,000) feet to the right or left of the frontage proposed to be changed, or by the owners of twenty (20) percent of the frontage directly opposite, or directly in the rear of the frontage proposed to be altered, or in cases where the land affected lies within one and one-half (1 1/2) miles of the corporate limits of a municipality having in effect ordinances zoning property within the corporate limits of a municipality, made by resolution of the City Council or Board of Trustees thereof, and filed with the County Clerk, **THE AMENDMENT MAY NOT BE PASSED EXCEPT BY THE FAVORABLE VOTE OF TWO MEMBERS OF THE COUNTY COMMISSION.**