

CITY OF FENTON
COMMUNITY DEVELOPMENT DEPARTMENT
625 New Smizer Mill Road
Fenton, MO 63026
(636) 349-8110

CHANGE OF ZONING (REZONING) APPLICATION CHECKLIST

A **complete** application for a Change of Zoning (Rezoning) must be received by the Community Development Department no less than thirty (30) days prior to the next Planning and Zoning Commission Meeting in order to be placed on the agenda for consideration. ***Partial or incomplete applications will not be accepted.***

Please review the checklist below to verify that your application is complete before submitting materials to the Community Development Department. *Please check-off below that all items are included in your submittal, and sign at the bottom.*

REQUIRED DOCUMENTS FOR A COMPLETE CHANGE OF ZONING (REZONING) APPLICATION:

- One (1) Petition for Change of Zoning: All blanks completed, application signed and notarized.
- One (1) legal property description.
- One (1) letter of property owner consent (if you are not the owner), or proof of ownership-under-contract.
- One (1) check for fee payable to 'City of Fenton' (*see attached fee schedule*).
- One (1) survey of the property (*see item E on the Petition -- attached*).
- Twenty-five (25) full-sized copies of all items/plans, plus one 11"x17" or 8½"x11" copy of all items/plans if the full-sized documentation is larger than 11"x17".

NOTE: A pre-application conference with the Community Development Director is encouraged.

I/we (Petitioner) _____ do submit the attached application for a Change of Zoning (Rezoning) for (project name) _____ at (address) _____ and verify that all of the required documents are attached herewith. I understand that in order for my case to be placed on the agenda, all required materials must be received within 30 days of the next scheduled public hearing meeting. *If the application and materials are incomplete or are returned for corrections by the Community Development Director, placement of my case on an agenda will be delayed until such time as all required materials are received within the 30-day requirement.*

Signed: _____

Date: _____

City of Fenton
Community Development Department
625 New Smizer Mill Road
Fenton, MO 63026
(636) 349-8110

PETITION FOR CHANGE OF ZONING

DATE: _____ PETITION NO.: _____

DATE PAID: _____ FEE: _____

I(we), the petitioner(s) _____ am
(are) seeking a **Change of Zoning** from the City of Fenton. I understand this petition will be
scheduled for a public hearing with the Planning and Zoning Commission of the City of Fenton and
a recommendation from this Commission will be made to the Board of Aldermen for a final decision.

I. The petitioner(s) state(s) that the property is:

A. Presently zoned: _____

B. Presently used for: _____

C. Proposed zoning: _____

II. The following information is required to complete this application:

A. Reason this Change of Zoning is being requested: _____

(separate letter may be attached)

B. Describe your legal interest in the property or state the name of the person or firm you are
representing. _____
(if Petitioner is not the owner, a letter of legal consent from the property owner is required)

C. Address of property: _____

D. Legal description of property (metes and bounds); attach if necessary: _____

E. A survey or plat of property, drawn to scale of 100 feet or less to the inch, showing nearest
street intersection, dimension of property, north point, and showing appropriate angles,
bearings, and distances must be attached to this petition. *(See item G on page 2 for
quantity)*

F. Size of parcel to the nearest tenth of an acre: _____

G. Return signed and notarized application, fee and 25 full-sized sets of any plans to the Community Development Department. *Please include one 8½"x11" or 11"x17" size plan if the full-sized documentation is larger than 11"x17".*

I (we) hereby certify that I (we) have a legal interest in the described property or I (we) am (are) the duly appointed representative(s) of the property owner and that all information given herein is true and a statement of fact. As owner(s) or petitioner(s), I (we) will comply with all requirements and conditions set forth by the City of Fenton's Planning and Zoning Commission and Board of Aldermen. In addition, I certify that the deed restrictions for the property do not prohibit the use(s) which would be authorized by this zoning change.

(Print Name)

(Petitioner's Signature)

Address: _____

Phone: _____
Email: _____

Subscribed and sworn to before me this _____ day of _____ 20_____.

SEAL:

(Notary Public)

My Commission expires: _____ 20_____.

REMINDER: Applications, all attachments, and fee must be received by the Community Development Department at least **thirty (30) days prior to the next Planning and Zoning Commission Meeting** in order to be placed on the agenda for consideration.

IMPORTANT NOTICE

Petitions for Public Hearing

- The Planning and Zoning Commission holds a public hearing on the first Tuesday of every month, 7:00 p.m., at the City of Fenton City Hall, 625 New Smizer Mill Road.
- Prior to the public hearing, the City must have your completed application and other documents delivered to the Community Development Department thirty (30) days in advance of the Commission's next meeting date to post the required public notice. Staff will determine whether the petition will be on the Planning and Zoning Commission agenda for the following meeting.
- Your attendance at the Planning and Zoning Commission meeting is mandatory. Failure to appear will result in a Commission recommendation to continue or deny your request.
- The Planning and Zoning Commission will make their recommendation for approval or denial of your petition to the Board of Aldermen, which meets the fourth Thursday of every month.
- The Board of Aldermen will have final approval or denial of the petition. Three readings by the Board of Aldermen are required for final approval. If your petition is approved, it will be read two times at one meeting by title only; and the third reading will occur at the next monthly Board of Aldermen meeting. *(It is possible to receive all three readings on the same night.)*

If you have any questions, please do not hesitate to call the Community Development Department at (636) 349-8110.

SECTION 420.030: PROCEDURES FOR A CHANGE IN ZONING

Whenever the public necessity, convenience, general welfare and good zoning practice require, the Fenton Board of Aldermen may order, after a public hearing, report thereon by the Commission, and subject to the procedure provided in this Code, an amendment, supplement or change in the regulations, zoning district boundaries or classification of property. Amendment, supplement, re-classification or change (including special permits), may be initiated by a resolution of intention by the Commission or the Fenton Board of Aldermen or by a verified application of one (1) or more of the owners or authorized representatives of the owners of property within the area proposed to be changed. (R.O. 2006 §420.030; Ord. No. 1919 §1, 11-20-95)

SECTION 420.040: PETITIONS FOR CHANGE, FILING FEE, FORM AND CONTENTS

- A. *Process For Filing Petitions.* Petitions for any change of zoning, boundaries or any re-classification of zones, as shown on the Official Zone District Map, shall be addressed to the Fenton Board of Aldermen and filed with the Community Development Department at least thirty (30) days before the next scheduled Planning and Zoning Commission meeting, unless prior written approval is granted by the Director. Upon receipt at the Department, the Director shall review the application as to form. Upon determination of the Director that the form of the application is appropriate, the Director will present the matter to the Planning and Zoning Commission.
- B. This petition will be on approved City forms and accompanied by such data and information which may be prescribed for that purpose by the Commission so as to assure the fullest practicable presentation of facts for the Planning and Zoning Commission to consider in their review and the permanent record. The petition shall specify the location of the proposed change in zoning and as necessary include the height, area and site plan for the lot. The site plan, if provided, shall include a legal description, lot and building footing dimensions, appropriate zone district setbacks, landscaping and parking requirements, contours and drainage ways, proposed easements, public improvements, and if possible or necessary an artist's rendering in the horizontal view. At the time the petition is filed, a fee shall be paid to the City of Fenton. The fees for a change in zoning shall be as set forth in Addendum "A".
- C. *Verification Of The Petition.* Each such petition shall be verified by at least one (1) of the owners or authorized representatives of the owners of property within the area proposed to be changed, attesting to the truth and correctness of all facts and information presented with the application.
- D. *Notice For Hearing.* The petition shall be set for public hearing before the Planning and Zoning Commission within sixty (60) days of the date of the filing of the petition. The Director shall cause public notice of such hearing to be given. The notice procedure shall be as follows:
 1. Fifteen (15) days notice of the time and place of such hearing shall be published in at least one (1) newspaper having general circulation within the City. In addition, for development initiated change of zoning petitions, the owners of property within two (2) lots from the subject property in all directions shall be notified by certified mail while all other remaining property owners within five hundred (500) feet of the subject property in all directions shall be notified by regular mail of the application and hearing date by depositing said certified and regular mail at a U.S. Post Office no less than five (5) calendar days before the scheduled public hearing.

For non-development initiated changes in zoning, (i.e., text amendments or zoning code revisions), notice of the time and place of such hearing shall be published in a newspaper of general circulation at least fifteen (15) days in advance, supplemented by announcement in the City's monthly newsletter and at the monthly Board of Aldermen meeting whenever possible; and, signage shall be posted according to Section 420.040, Subsection (D)(5).

2. Such notice shall contain in addition to the legal description of the parcel of land, the approximate street location or address, the name of the person seeking such zoning change, the present zoning classification and the zoning classification sought or the nature and reason of such request.

3. The Commission, after public notice, shall conduct a hearing at which the applicant shall present such information, as the petitioner deems necessary, to substantiate its request for a change in zoning. The Commission shall hear any person wishing to speak in favor of the petition after which time the Commission shall hear any person wishing to speak in opposition to the petition, after which time the petitioner may address or rebut any issues presented by the opposition. The Commission shall then close the public participation portion of the hearing. The Commission shall thereafter conduct a deliberation and discussion of the petition. This discussion shall in a public forum but no public participation shall be allowed. After review and deliberation the Commission shall vote whether to grant the change in zoning. A simple majority of the Commission is required to pass the proposition. If the proposition does not have a simple majority vote, the proposition fails and shall be taken as a negative recommendation.
4. The Commission shall communicate the results of its vote to the Board of Aldermen and may further communicate its reasons for recommending approval and/or its reasons for recommending denial and/or its reasons for failing to achieve a majority favorable vote.
5. In addition to the above, the Director shall cause a sign or signs, not less than two (2) feet high by three (3) feet wide, to be placed on all parcels of land on which an application for a zoning change has been filed with the Planning and Zoning Commission.

- a. Sign or signs shall be placed on such parcels of land, at a point nearest to the right-of-way of any street or roadway abutting such parcel and so as to be clearly visible to the traveled portion of such street or roadway. The Director shall determine the number of additional signs to be placed that may be necessary to carry out the intent of this Code.
- b. All signs shall have letters not less than two and one-half (2½) inches in height and not less than three-eighths ($\frac{3}{8}$) inch in width, with the following: "PUBLIC HEARING", and in letters not less than one and one-fourth (1¼) inches in height, and not less than one-fourth ($\frac{1}{4}$) inch in width the following: "ZONING CHANGE", and in letters not less than three-fourths ($\frac{3}{4}$) inch in height and not less than one-fifth ($\frac{1}{5}$) inch in width the following:

"APPLICATION FOR ZONING CHANGE IS FILED WITH THE FENTON PLANNING AND ZONING COMMISSION. PUBLIC HEARING TO BE HELD ON (insert date and time) IN THE (insert meeting place), FENTON, MISSOURI."

- c. The Director may provide for such additional information to be placed on any such sign which would serve to fully inform the public as to the nature of such a zoning change pending before the Planning and Zoning Commission.
- d. Any person or persons, firm, association or corporation, who shall remove, mar, scratch, obliterate or in any manner deface, hide from view or tamper with any such sign or signs shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished as set out in Section 100.060 of this Code.
- e. It shall not be necessary to publish notice or hold public hearings on amendments to this Code pertaining to procedural matters and to the duties and powers of officials, officers, boards, commissions and bureaus in carrying out the regulations of this Code.

E. *Appeal/Protest.* In case of written protest against any change in zoning regulations, restrictions or boundaries 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 a two hundred fifty (250) foot distance from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds ($\frac{2}{3}$) of the full Board of Aldermen. The provisions of this Section shall apply equally to all changes or amendments. (R.O. 2006 §420.040; Ord. No. 1919 §1, 11-20-95; Ord. No. 1954 §4, 4-15-96; Ord. No. 1986 §1, 8-19-96; Ord. No. 2199 §3, 11-16-98; Ord. No. 2463 §3, 4-15-02)

Fee Schedule for Change of Zoning Application

Fee for filing Change of Zoning shall be based upon the acreage contained in the property in question and shall be as follows:

1 or less acres	\$250.00
1.1 – 2 acres	\$275.00
2.1 – 3 acres	\$300.00
3.1 – 4 acres	\$325.00
4.1 – 5 acres	\$350.00
5.1 – 6 acres	\$375.00
6.1 – 7 acres	\$400.00
7.1 – 8 acres	\$425.00
8.1 – 9 acres	\$450.00
9.1 – 10 acres	\$475.00
10.1 – 30 acres	\$500.00
More than 30 acres	\$550.00