

ZONING PROTEST

I / We, the undersigned, do protest the following decision of the Planning and Zoning Commission:

The rezoning of the following property _____

heard as Case No. _____

on the following date: _____

Please take notice that the undersigned, being the owners of property within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet from the boundaries of the above-described tract of land submit this petition as my / our protest against the proposed rezoning in accordance with the provisions of Section 89.060 of the Revised Statutes of Missouri and Section 35-74.B.3.c of the City of Jefferson Zoning Code.

Address of Affected Property: _____

Printed Name of Property Owner _____

Signature _____

Printed Name of Property Owner _____

Signature _____

Mailing address if different from #1 _____

For Notary Use Only

On the _____ day of _____, _____ before me personally appeared the above named persons known to me to be the persons described and who executed the foregoing instrument; and acknowledged that they executed the same as their free act and deed. In testimony whereof, I have hereunto set my hand and affixed my seal on the day and year first above written.

Notary

(Seal)

**Petitions must be filed with the City Clerk of the City of Jefferson, Missouri
John G. Christy Municipal Building, 320 East McCarty Street, Jefferson City, Missouri 65101
Phone 573-634-6311**

Individuals should contact the ADA Coordinator at (573) 634-6570 to request accommodations or alternative formats as required under the Americans with Disabilities Act. Please allow three business days to process the request.

What Citizens Should Know About...
Zoning Protest Petitions



City of Jefferson, Missouri

On occasion, citizens have inquired about how to construct petitions or other official documents which serve as protests to some specified decision. In some cases, State Statute may govern certain types of petitions in which case the appropriate statute should be consulted.

Zoning Decisions

Property owners in the vicinity of land proposed to be rezoned have certain and specific rights afforded to them by State Statute and City Code. One of these rights is defined as Astanding@ to protest zoning decisions. Section 89.060 of the Revised Statutes of Missouri provide for how zoning protest petitions are to be constructed.

Section 35-74.B.3.c. of the City of Jefferson Zoning Code provides that protest petitions be filed with the City Clerk at least 24 hours prior to the Council's vote on the application.

Sample Forms

Sample forms are available from the Department of Planning and Protective Services.

for more information contact
City of Jefferson, Missouri
Department of Planning and Protective Services
John G. Christy Municipal Building 320 East McCarty Jefferson City, Missouri 65101
Telephone 573.634.6410

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Excerpt from RSMo Chapter 89

Change in regulations, restrictions and boundaries--procedure.

89.060. Such regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change duly signed and acknowledged by the owners of thirty percent 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 and eighty-five feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds of all the members of the legislative body of such municipality. The provisions of section 89.050 relative to public hearing and official notice shall apply equally to all changes or amendments.

(RSMo 1939 §§ 7416. A.L. 1988 H.B. 923)

Prior revision: 1929 §§ 7263

(1960) Where only one of the owners of property held by the entirety signed the petition for a protest against a zoning ordinance, the front footage of the property so held could not be counted in determining the sufficiency of the petition of protest. Accordingly, where a petition which was deficient in that the number of front footage was not represented, the board of aldermen could pass the ordinance by a mere majority vote and the ordinance was valid. *Marks v. Bettendorf's, Inc.* (A.), 337 S.W.2d 585.

(1962) Where evidence fell short of demonstrating that two of the five aldermen voting for zoning amendment ordinance had the direct financial interest in its passage, court refused to set aside purely legislative action of city's legislative body on ground of public policy. *Coffin v. City of Lee's Summit* (A.), 357 S.W.2d 211.

(1962) City council did not clearly, beyond reasonable doubt, act arbitrarily, capriciously or unlawfully in amending zoning ordinance to extend commercial zone and permitting bowling alley proprietor to enlarge parking lot. *Miller v. Kansas City* (A.), 358 S.W.2d 100.

(1978) To change zoning regulations, there must be actual votes affirmatively cast by three-fourths of all councilmen existing at time of vote, and therefore, abstention cannot be considered as concurring with the majority vote in favor of amendment. *State ex rel. Stewart v. King* (A.), 562 S.W.2d 704.

B. Amendment of Zoning Ordinance Text and Zoning Map.

1. Purpose. Amendments of Zoning Ordinance Text and Zoning Map may be beneficial from time to time to better achieve the goals of the Comprehensive Plan and to more effectively provide for growth in a manner that is consistent with the Comprehensive Plan.
2. Applicability. All proposed amendments to the text of this Ordinance and Zoning Map shall comply with the provisions of this Section.
3. Application Requirements. Application requirements and processing procedures shall comply with those described in Section 35-70 with the following modifications:
 - a. An application for a text amendment may be initiated by the Council, Planning and Zoning Commission, City staff or any owner of property within the City. The application shall be accompanied by a written report that addresses each of the criteria listed in Section 35-74.B.4.
 - b. An owner of real property within the City, or that owner's authorized representative, may apply for an amendment to the zoning district boundaries (rezoning) for that landowner's property. Such amendments also may be initiated by the Planning and Zoning Commission, City staff or the Council. The Commission or the Council may add additional property to be rezoned if it deems it necessary or expedient to the purpose of the Ordinance. All property to be rezoned shall be addressed in the public notice in accordance with Section 35-70. The process for the Zoning Map amendment shall be as shown in Exhibit 35- 74.B.
 - c. In the case of a protest against changes in the regulations or restriction, or changes in the zoning district applicable to particular land, which protest is filed with the City Clerk at least 24 hours prior to the Council's vote on the change and is signed by 30 percent or more of the property owners, either of the areas of the land (exclusive of streets, alleys and public rights-of-way) included in such proposed change or within 185 feet distant from and parallel to the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two thirds of the entire membership of the Council.

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