



March 6, 2025

To: City Council

From: Dustin Harrison, Building Official/Zoning Administrator.

Re: Section 50-83

Executive Summary for City Council

Summary for City Council

Consideration of an Ordinance Amending Section 50-83

The City of West Plains is considering an ordinance to amend Section 50-83 of its Code of Ordinances. This amendment is necessary to align with the State Statute RSMo 89.060 regarding zoning protests.

Purpose of the Amendment

- **Compliance:** The amendment is intended to ensure that the city's ordinances are in compliance with state-level legal requirements.
- **Protest Procedures:** It will address the procedures for protests related to zoning changes, ensuring transparency and adherence to state law.
- **Majority Vote:** It will align the required vote of the governing body with state statute.
- **Clarification:** This ordinance amendment aims to clarify and streamline zoning protest processes, thereby enhancing governance and community engagement in zoning matters.

This request was approved by the Planning Commission on March 6, 2025.

Fiscal Impact

N/a

AN ORDINANCE OF THE CITY OF WEST PLAINS, MISSOURI, AMENDING CHAPTER 50, ARTICLE II, DIVISION 2, SECTION 50-83 OF THE CITY OF WEST PLAINS CODE OF CITY ORDINANCES DEALING WITH PROTEST PETITIONS IN ZONING MATTERS AND THE REQUISITE MAJORITY FOR APPROVAL OF CERTAIN ZONING MATTERS.

WHEREAS, Section 89.060 RSMo provides for a valid protest petition to be made with respect to amendments to zoning regulations and the zoning map; and

WHEREAS, in accordance with the provisions of RSMo 89.060, a valid protest must be submitted by thirty percent or more of properties within 185 feet of the affected property and, upon the filing of a valid protest, a vote of 2/3 of the governing body is required to approve such amendment; and

WHEREAS, protest requirements and the requisite majority that are inconsistent with Section 89.060 have been determined to be invalid by Missouri Courts; and

WHEREAS, Section 1.050 RSMo provides that authority granted to a body consisting of three or more persons shall be construed as authority to a majority of those persons unless otherwise declared in the law giving the authority; and

WHEREAS, the city council of West Plains, Missouri, finds it necessary to amend section 50-83 to be consistent with state law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST PLAINS, MISSOURI AS FOLLOWS:

Section 1: That existing Section 50-83 be amended and replaced as follows:

Section 50-83-34. – Protests.

If a protest against the proposed amendment, supplement, change, modification or repeal of this chapter was presented in writing to the city clerk duly-signed and acknowledged by the owners of thirty percent or more, either of the area of the land, exclusive of streets, places and alleys, included within such proposed amendment, supplement, change, modification or repeal or within an area, determined by lines drawn parallel to and 185 feet distant from the boundaries of the district proposed to be changed, such amendment, supplement, change, modification or repeal shall not become effective except by the favorable vote of two-thirds of all the members of the city council.

Section 2: That the provisions of this ordinance shall take effect immediately, following passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 20____.

CITY OF WEST PLAINS, MISSOURI

BY: _____
MICHAEL TOPLIFF, MAYOR

ATTEST:

KELLIE MAYERS, CITY CLERK