

**AN ORDINANCE AMENDING CHAPTER 400 OF THE CITY CODE TO CLARIFY THAT THE PUBLIC HEARING REQUIRED BY LAW ON CERTAIN DEVELOPMENT APPROVALS SHALL BE CONDUCTED BY THE PLANNING AND ZONING COMMISSION.**

WHEREAS, Section 89.050, RSMo, requires that a public hearing be held before the enactment of zoning regulations or changes; and

WHEREAS, the Missouri Court of Appeals in Moore v. City of Parkville, 156 S.W.3d 384 (Mo. App. W.D. 2005), held that such public hearing need not be held by the legislative body but may be conducted by a planning and zoning commission; and

WHEREAS, the Board of Aldermen desires to clarify that the City of Lone Jack will follow this practice by requiring the public hearing on development approvals be conducted by the Planning and Zoning Commission; and

WHEREAS, the Board finds this process is consistent with state law and provides adequate public notice and opportunity to be heard.


NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF LONE JACK, MISSOURI, AS FOLLOWS:

**Section 1.** That Section 400.170(A) of the Code of Ordinances of the City of Lone Jack, Missouri, is hereby amended to read as follows:

A. Applicability. A public hearing shall be conducted by the Planning and Zoning Commission on the following types of development approvals: zoning text amendment, rezoning, conditional use permit, preliminary development plan, final development plan, home occupation, and site plan. A public hearing shall be conducted by the Board of Adjustment on applications for variances. A public hearing shall not be required before the Board of Aldermen unless otherwise required by state law. Nothing in this Section shall prevent the Board of Aldermen from accepting public comment on any matter; however, such public comment shall not constitute the public hearing required by Section 89.050, RSMo.

**Section 2.** This ordinance shall be in full force and effect from and after the date of its passage and approval.

BE IT REMEMBERED that the above was read two times by title only, PASSED AND APPROVED by a majority of the Board of Aldermen and APPROVED by the Mayor of the City of Lone Jack, Missouri, this 18<sup>th</sup> day of September, 2025.

  
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Phil Andreas, Mayor

ATTEST:

  
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Shannon Carmack, City Clerk

