

Chapter 400

PLANNING AND ZONING COMMISSION

Section 400.010. Composition — Terms — Vacancy — Removal. [Ord. No. 225 §1(93.010), 10-12-1998]

There is hereby established within and for the City a Planning and Zoning Commission which shall consist of not more than fifteen (15) nor less than seven (7) members, including the Mayor, if the Mayor chooses to be a member; a member of the Board of Aldermen selected by the Board, if the Board chooses to have a member serve on the Commission and not more than fifteen (15) nor less than five (5) citizens appointed by the Mayor and approved by the Board of Aldermen. The term of each of the citizen members shall be for four (4) years, except that the terms of the citizen members first (1st) appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Board of Aldermen may remove any citizen member for cause stated in writing and after public hearing.

Section 400.020. Compensation.

All citizen members of the Planning and Zoning Commission shall serve without compensation.

Section 400.030. Meetings — Officers — Rules — Records. [Ord. No. 225 §1(93.020), 10-12-1998]

The Commission shall meet at a regular time and place as established by rule and shall elect a Chairman, Vice-Chairman, and Secretary from among the citizen members. The term of the Chairman, Vice-Chairman and Secretary shall be for one (1) year with eligibility for reelection. The Commission shall keep a record of its proceedings and these records shall be public records.

Section 400.040. Expenditures.

The expenditures of the Planning and Zoning Commission, exclusive of grants and gifts, shall be within amounts appropriated for the purpose by the Board of Aldermen.

Section 400.050. Duty of Public Officials To Furnish.

All public officials shall upon request furnish to the Planning and Zoning Commission, within a reasonable time, all available information it requires for its works.

Section 400.060. General Powers-Act As Zoning Commission.

In general, the Planning and Zoning Commission shall have the power necessary to enable it to perform its functions and promote City planning. The Planning and Zoning Commission shall have the power to perform all of the functions of the Zoning Commission provided for in Chapter 89, RSMo., and shall have and perform all of the functions of a Planning Board as outlined in such Chapter.

Section 400.070. City Plan — Contents. [Ord. No. 225 §1(93.040), 10-12-1998]

The Commission shall make and adopt a City plan for the physical development of the City. The City plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the Commission's recommendations for the physical development and uses of land, and may include, among other things, the general location, character and extent of streets and other public ways, grounds, places and spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned, the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment or change of use of any of the foregoing; the general character, extent and layout of the replanning of blighted districts and slum areas. The Commission may also prepare a zoning plan for the regulation of the height, area, bulk, location and use of private, non-profit and public structures and premises, and of population density, but the adoption, enforcement and administration of the zoning plan shall conform to the provisions of Sections 89.010 to 89.250, RSMo.

Section 400.080. Purpose. [Ord. No. 225 §1(93.050), 10-12-1998]

In the preparation of the City plan, the same shall be made with the purpose of guiding and accomplishing a coordinated development of the municipality which will in accordance with existing and future needs best promote the general welfare as well as the efficiency in the process of development.

Section 400.090. Procedure To Adopt Plan. [Ord. No. 225 §1(93.060), 10-12-1998]

The Commission may adopt the plan as a whole by a single resolution, or, as the work of making the whole City plan progresses, may from time to time adopt a part or parts thereof, any part to correspond generally with one (1) or more of the functional subdivisions of the subject matter of the plan. Before the adoption, amendment or extension of the plan or portion thereof the Commission shall hold at least one (1) public hearing thereon. 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. The hearing may be adjourned from time to time. The adoption of the plan requires a majority vote of the full membership of the Planning Commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the Commission to form the whole or part of the plan and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the Secretary of the Commission and filed in the office of the Commission, identified properly by file number, and a copy of the plan or part thereof shall be certified to the Board and the City Clerk, and a copy shall be available in the office of the County Recorder of Deeds and

shall be available at the City Clerk's office for public inspection during normal office hours.

Section 400.100. Construction Limited. [Ord. No. 225 §1(93.070), 10-12-1998]

Whenever the Commission adopts the plan of the City or any part thereof, no street or other public facilities, or no public utility, whether publicly or privately owned, and, the location, extent and character thereof having been included in the recommendations and proposals of the plan or portions thereof, shall be constructed or authorized in the City until the location, extent and character thereof has been submitted to and approved by the Planning Commission. In case of disapproval the Commission shall communicate its reasons to the Board, and the Board, by vote of not less than two-thirds (2/3) of its entire membership, may overrule the disapproval and, upon the overruling, the Board or the appropriate board or officer may proceed, except that if the public facility or utility is one the authorization or financing of which does not fall within the province of the Board, then the submission to the Planning Commission shall be by the Board having jurisdiction, and the Planning Commission's disapproval may be overruled by that Board by a vote of not less than two-thirds (2/3) of its entire membership. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for, sale or lease of any street or other public facility is subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the Commission to act within sixty (60) days after the date of official submission to it shall be deemed approval.

Section 400.110. Recording Plats Limited. [Ord. No. 225 §1(93.080), 10-12-1998]

After the Planning Commission of the City adopts a City Plan which includes at least a major street plan and files a certified copy of the major street plan in the office of the Recorder of Deeds of Newton County, Missouri, then no plat of a subdivision of land lying within the municipality shall be filed or recorded until it has been submitted to and a report and recommendation thereon made by the Commission to the City Board and the Board has approved the plat as provided by law.

Section 400.120. Approval of Plat By Commission. [Ord. No. 225 §1(93.090), 10-12-1998]

Within sixty (60) days after submission of a subdivision plat to the Commission, the Commission shall approve or disapprove the plat; otherwise, the plat is deemed approved by the Commission, except that the Commission, with the consent of the applicant for approval, may extend the 60-day period. The grounds of disapproval of any plat by the Commission shall be made a matter of record.

Section 400.130. Approval of Plat By Commission — Not Acceptance of Dedication. [Ord. No. 225 §1(93.100), 10-12-1998]

The approval of a plat by the Commission does not constitute or effect an acceptance by the municipality or public of the dedication of public use of any street or other ground shown upon the plat.

Section 400.140. Information On Rezoning. [Ord. No. 225 §1(93.120), 10-12-1998]

All applications for rezoning must be submitted to the Commission for consideration. Each application must be accompanied by a fee set by the Board. Said fee is to cover the costs and publication expenses. Any excess paid by the applicant will be returned to the applicant and any deficiency is to be paid by the applicant. The fee shall not be refundable if the applicant does not go ahead with the rezoning request after publication.

Section 400.150. Sale of Land By Reference To Unapproved Plat. [Ord. No. 225 §1(93.110), 10-12-1998]

No owner or agent of the owner of any land within the planning jurisdiction of the City, knowingly or with intent to defraud, may transfer, sell, agree to sell or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the Board or Commission and recorded in the office of the Newton County Recorder of Deeds. Any person violating the provisions of this Section shall forfeit and pay to the municipality a penalty not to exceed three hundred dollars (\$300.00) for each lot transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. Said penalty shall be set by the Board. The City may enjoin or vacate the transfer or sale or agreement by legal action and may recover the penalty in such action.