

## Chapter 400

### PLANNING AND ZONING COMMISSION

#### **Section 400.005. Definitions.** [Ord. No. 583 §1, 2-1-1965]

For the purpose of this Chapter, the following terms mean or include:

**BOARD OF ALDERMEN** — The chief legislative body of the a City of Mound City.

**STREETS** — Any public ways.

**SUBDIVISION** — The division of a parcel of land into two (2) or more lots or other divisions of land; it includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

#### **Section 400.010. Composition — Terms — Vacancy — Removal.**

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. Officers.**

The Planning and Zoning Commission shall elect a Chairman and a Secretary from among the citizen members. The term of Chairman and Secretary shall be for one (1) year with eligibility for re-election.

#### **Section 400.040. Meetings — Rules — Records.**

The Planning and Zoning Commission shall hold regular meetings and special meetings as they provide by rule, and shall adopt rules for the transaction of business, and keep a record of its proceedings. These records shall be public records.

**Section 400.050. Expenditures.** [Ord. No. 583 §4, 2-1-1965]

- A. The expenditures of the Planning and Zoning Commission, exclusive of grants and gifts, shall be within amounts appropriated for the purposes of the Board of Aldermen.
- B. The Commission shall appoint the employees and staff necessary for its work and may contract with City planners and other professional persons for the services that it requires.

**Section 400.060. 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 400.070. General Powers.** [Ord. No. 583 §6, 2-1-1965]

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. In general, the Commission shall have the power necessary to enable it to perform its functions and promote municipal planning.

**Section 400.080. City Plan.** [Ord. No. 583 §§5 — 7, 2-1-1965]

- A. The Commission shall make and adopt a City plan for the physical development of the City of Mound 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 shall 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.
- B. In the preparation of the City plan, the Commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the municipality. The plan 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 efficiency and economy in the process of development.

- C. 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 of Mound 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 of Aldermen and the Municipal Clerk, and a copy shall be recorded in the office of the Holt County Recorder of Deeds.

**Section 400.090. Submission To Commission Required.** [Ord. No. 583 §§9 — 18, 2-1-1965]

- A. Whenever the Commission adopts the plan of the City of Mound City of any department 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 municipality until the location, extent and character thereof has been submitted to and approved by the Plan Commission. In case of disapproval, the Commission shall communicate its reasons to the Board of Aldermen, and the Board of Aldermen, by vote of not less than two-thirds (2/3) of its entire membership, may overrule the disapproval and, upon the overruling, the Board of Aldermen 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 of Aldermen, then the submission to the Planning Commission shall be 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.
- B. The Commission shall have and 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 Commission as outlined in said Chapter.

- C. After the Planning Commission of the City of Mound City adopts a City plan which includes at least a major street plan or progresses in its City planning to the making and adoption of a major street plan, and files a certified copy of the major street plan in the office of the Recorder of Deeds of Holt County, 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 Board of Aldermen, and the Board of Aldermen has approved the plat as provided by law.
- D. Before adoption of any subdivision regulations or any amendment thereof of the Board of Aldermen, a duly advertised public hearing thereof may be held by the Board of Aldermen.
- E. 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 the approval, may extend the sixty (60) day period. The ground of disapproval of any plat by the Commission shall be made a matter of record.
- F. The approval of a plat by the Commission does not constitute or effect an acceptance by the municipality or public of the dedication to public use of any street or other ground shown upon the plat.
- G. No owner or agent of the owner of any land located within the planning jurisdiction of the City of Mound City, knowingly or with the intent to defraud, may transfer, sell, agree to sell or negotiate to sell that land by reference to or by other use of a plot of any purported subdivision of the land before the plat has been approved by the Board of Aldermen or Planning Commission and recorded in the office of the Holt County Recorder. 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 of Aldermen. The City of Mound City may enjoin or vacate the transfer or sale or agreement by legal action and may recover the penalty in such action.
- H. Upon adoption of a major street plan and subdivision regulations, the City of Mound City shall not accept, lay out, open, improve, grade, pave or light any street, lay or authorize the laying of water mains, sewers, connections or other utilities in any street within the municipality unless the street has received the legal status of a public street prior to the adoption of a City plan; or unless the street corresponds in its location and lines with a street shown on a subdivision plat approved by the Board of Aldermen or the Planning Commission or on a street plan made by and adopted by the Commission. The Board of Aldermen may locate and construct or may accept any other street if the ordinance or other measure for the location and construction or for the acceptance is first submitted to the Commission for its approval, and approved by the Commission or, if disapproved by the Commission,

is passed by the affirmative vote of not less than two-thirds (2/3) of the entire membership of the Board of Aldermen.

- I. After the adoption of a major street plan, no building permit shall be issued for and no building shall be erected on any lot within the territorial jurisdiction of the Commission unless the street giving access to the lot upon which the building is proposed to be placed conforms to the requirements above described.
- J. Whenever a plan for major streets has been adopted, the Board of Aldermen, upon recommendation of the Planning Commission, is authorized and empowered to establish, regulate and limit and amend, by ordinance, building or setback lines on major streets and to prohibit any new building being located within building or setback lines. When a plan for a proposed major street or other public improvements has been adopted, the Board of Aldermen may prohibit any new building being located within the proposed site or right-of-way when the centerline of the proposed street or the limits of the proposed sites have been carefully determined and are accurately delineated on maps approved by the Planning Commission and adopted by the Board of Aldermen.