

Chapter 415. Planning and Zoning

State Law Reference — Zoning and planning, RSMo. Ch. 89.

Article I. Planning Commission

Section 415.010. Created.

[CC 1971 §20-12; Ord. No. 522 §2, 4-20-1965]

There is hereby created in and for the City a Planning Commission.

Section 415.020. Planning Commission Composition.

[CC 1971 §20-13; Ord. No. 522 §3, 4-20-1965; Ord. No. 903, 12-11-2001; Ord. No. 1088, 6-23-2011]

A. The Planning Commission for the City of Rock Port shall consist of the following:

1. Five (5) citizen members who shall serve without compensation and shall be appointed as set forth in this Article;
2. A member of the Board of Aldermen as selected by such Board annually;
3. The Mayor who may serve at the sole option of the Mayor.

Section 415.030. Appointment of Citizen Members.

[CC 1971 §20-14; Ord. No. 522 §3, 4-20-1965; Ord. No. 1088, 6-23-2011]

The seven (7) members of the Planning Commission shall be appointed by the Mayor, with the approval of the Board of Aldermen.

Section 415.040. Terms of Members.

[CC 1971 §20-15; Ord. No. 522 §3, 4-20-1965]

The citizen members of the Planning Commission shall be for four (4) years, except that the terms of the citizen members first appointed to the Commission shall be for varying periods so that the succeeding terms will be staggered. The terms of the non-citizen members shall be concurrent with their terms of office.

Section 415.050. Removal of Citizen Member.

[CC 1971 §20-16; Ord. No. 522 §3, 4-20-1965]

The Board of Aldermen may remove any citizen member of the Planning Commission for cause stated in writing, after public hearing thereon, from the Commission.

Section 415.060. Filling of Vacancies.

[CC 1971 §20-17; Ord. No. 522 §3, 4-20-1965]

Any vacancy occurring in the membership of the Planning Commission shall be filled in like manner as the original appointment of members.

Section 415.070. Officers.

[CC 1971 §20-18; Ord. No. 522 §4, 4-20-1965]

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

Section 415.080. Organization Generally.

[CC 1971 §20-19; Ord. No. 522 §4, 4-20-1965]

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

Section 415.090. Employment of Personnel.

[CC 1971 §20-20; Ord. No. 522 §4, 4-20-1965]

The Planning Commission shall appoint employees and staff necessary for its work and may contract with City planners and other professional persons for the services that it requires subject to the advice of the Board of Aldermen.

Section 415.100. Expenditures Generally.

[CC 1971 §20-21; Ord. No. 522 §4, 4-20-1965]

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

Section 415.110. Cooperation of Public Officials.

[CC 1971 §20-22; Ord. No. 522 §8, 4-20-1965]

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

Section 415.120. Entry on Land.

[CC 1971 §20-23; Ord. No. 522 §8, 4-20-1965]

The Planning Commission, its members and employees, in the performance of their functions and duties, may enter upon any land within the City to make examinations and surveys.

Section 415.130. Powers, Duties Generally.

[CC 1971 §20-24; Ord. No. 522 §10, 4-20-1965]

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

Article II. City Plan

Section 415.140. Duty of Commission.

[CC 1971 §20-35; Ord. No. 522 §5, 4-20-1965]

The Planning Commission shall make and adopt a City Plan for the physical development of the City.

Section 415.150. Contents.

[CC 1971 §20-36; Ord. No. 522 §5, 4-20-1965]

The City Plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the Planning Commission's recommendations for the physical development and uses of land within the City, 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, nonprofit and public structures and premises, and of population density.

Section 415.160. Purpose.

[CC 1971 §20-37; Ord. No. 522 §6, 4-20-1965]

The City 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.

Section 415.170. Surveys, Studies.

[CC 1971 §20-38; Ord. No. 522 §6, 4-20-1965]

In the preparation of the City Plan, the Planning Commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the municipality.

Section 415.180. Adoption by Commission — Manner.

[CC 1971 §20-39; Ord. No. 522 §7, 4-20-1965]

The Planning Commission may adopt the City 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.

Section 415.190. Public Hearing Before Adoption of City Plan.

[CC 1971 §20-40; Ord. No. 522 §7, 4-20-1965]

Before the adoption, amendment or extension of the City Plan or portion thereof, the Planning 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.

Section 415.200. Adoption Requires Majority Vote.

[CC 1971 §20-41; Ord. No. 522 §7, 4-20-1965]

The adoption of the City Plan shall require a majority vote of the full membership of the Planning Commission.

Section 415.210. Contents of Resolution Adopting City Plan.

[CC 1971 §20-42; Ord. No. 522 §7, 4-20-1965]

The resolution adopting the City Plan shall refer expressly to the maps, descriptive matter and other matters intended by the Planning 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. A copy of the plan or part thereof shall be certified to the Board of Aldermen and the City Clerk, and a copy shall be recorded in the Office of the County Recorder of Deeds.

Section 415.220. Approval of Improvements.

[CC 1971 §20-43; Ord. No. 522 §9, 4-20-1965]

- A. Whenever the Planning 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 municipality until the location, extent and character thereof has been submitted to and approved by the Planning Commission.
- B. In case of disapproval, the Planning Commission shall communicate its reasons to the Board of Aldermen. The Board, by a vote of not less than two-thirds (⅔) 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 (⅔) of its entire membership.
- C. 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 Planning Commission to act within sixty (60) days after the date of official submission to it shall be deemed approval.

Section 415.230. Construction of Streets, Utility Lines.

[CC 1971 §20-44; Ord. No. 522 §16, 4-20-1965]

- A. Upon adoption of a major street plan and subdivision regulations, the 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.
- B. 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 if the acceptance is first submitted to the Planning 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 (⅔) of the entire membership of the Board of Aldermen.

Section 415.240. Restriction on Issuance of Building Permits.

[CC 1971 §20-45; Ord. No. 522 §17, 4-20-1965]

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 Planning Commission unless the street giving access to the lot upon which the building is proposed to be placed conforms to the requirements above described.

Section 415.250. Setback Lines Authorized.

[CC 1971 §20-46; Ord. No. 522 §18, 4-20-1965]

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 the building or setback lines.

Section 415.260. Effect of Right-of-Way.

[CC 1971 §20-47; Ord. No. 522 §18, 4-20-1965]

When a plan for proposed major streets 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 center line 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.