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**City of Smithville, Missouri**  
**Planning Commission - Regular Session Agenda**  
**January 14, 2020**  
**7:00 P.M. Council Chambers**

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1. **Call to Order**
2. **Approve the December 10, 2019 Planning Commission Minutes**
3. **Staff Report**  
**Comprehensive Plan 2020**
4. **Chapter 400 Zoning Code Update Ordinance**  
**Recommendation on several zoning code changes necessary to comply**  
**with state law changes**
5. **Public Comment**
6. **Adjourn**



Accommodations Upon Request

## SMITHVILLE PLANNING COMMISSION

### REGULAR SESSION

December 10, 2019

7:00 P.M.

Council Chambers

A regular session of the Smithville Planning Commission was held on December 10, 2019 at 7:00 p.m. at Smithville City Hall in the Council Chambers.

Those attending the meeting: Deb Dotson, Mayor Damien Boley, Connor Samenus, Alderman Steve Sarver, Carmen Xavier, Dennis Kathcart, Chairman Rand Smith and Development Director Jack Hendrix.

#### 1. **CALL TO ORDER**

Chairman Rand Smith called the meeting to order at 7:00 p.m.

#### 2. **MINUTES**

The November 12, 2019 Meeting Minutes were moved for approval by XAVIER, Seconded by SAMENUS.

Ayes 7, Noes 0, Motion carried.

#### 3. **STAFF REPORT**

HENDRIX reported:

We have issued 44 single family residential home permits since January 1, 2019.

Smithville Marketplace project is still under construction. The streetlights are in for the development and will be turned on as soon as Evergy has the power installed. The traffic lights have hit a little snag and the install won't start until Friday. The traffic lights must be functional before anything can open.

- Taco Bell has passed every inspection so far. All they have left is a final inspection which will not pass until they have power from Evergy. That could delay the opening. Their goal is still to be open before

Christmas. Spire is currently installing the gas mains throughout the development. They won't be able to open without gas either.

- Scooter's Coffee construction is running a little behind. Their curbs were poured today and they will also have to concrete their parking lot and drive thru area because they won't be able to get asphalt right now due to the temperature. They plan to be open before January 31, 2020.

KCI RV Storage on the south end of town has a big building going up. This is the first of six buildings. The road entrance has been poured. They already have the foundation in for building number two. They will start construction on it in the spring and potentially start the construction of the third building. Their original plan was to potentially construct one building a year, but the first building is already 100% leased and they have a waiting list, so they are starting construction on the next one.

White Iron Ridge wedding venue just pulled their foundation only permit. They are finishing up their building plans now.

First Park Industrial development which you approved the preliminary plat for at our meeting in November are now finalizing the design plans on the water, street, storm and sewer. If it meets all of our standards and gets our engineers approval, they can start construction. This development also has a potential project that we had anticipated being on tonight's agenda due to our storm water requirements they had to move it off to the January meeting. They will be coming to us for site plan approval for a manufacturing and cultivation facility assuming they receive a medical marijuana license.

SMITH asked when the new Price Chopper will open?

HENDRIX stated that they don't have their building permit yet. They use concrete panel walls and are having a very hard time finding a manufacturer to build the walls for them in a timely manner due to the amount of construction going on.

XAVIER asked if an occupier for the old Price Chopper building been identified?

HENDRIX stated that the owner has been working with a couple of folks. His understanding is that there has been pretty substantial communication with Tractor Supply, Orscheln Farm and Home or Feldman's type businesses.

XAVIER also asked if they City will be enjoying any kind of additional tax revenue on medical marijuana dispensaries?

HENDRIX stated no. It would be the regular city sales tax which right now is 2%.

DOTSON said that she has had several people ask her about the huge mountain they are building at the Marketplace.

HENDRIX stated that he has also asked the developer when they were going to get rid of that. They have no direct plans but if they want to use the land around it they have to get rid of it. Eagle Ridge subdivision has been taking truckloads of the good rock for some grade changes they are having to make on their site. The southeast corner just north of Croft Trailer is under contract and are working to finalize it. The lot on the north side of the entrance is nearly under contract. If that's the case they will have sold out of all of their lots within a year of starting construction. They will be coming in for the next phase sometime within the next few months to divide a few more lots to sell.

HENDRIX also provided information on the Commission on the Comprehensive Plan update that will happen in 2020 and what their role will be for this process. Our current Comprehensive Plan was approved in 2005 so this is long overdue. An RFQ was drafted for a consultant to assist us in this endeavor. Some of the essential elements were that the newly completed community based strategic plan and the pillars of performance be incorporated into the new Comprehensive Plan. The successful candidate was Future iQ, the same company that handled our strategic plan. It appears that the primary steering committee will include the Planning and Zoning Commission. There will be seven members for this committee with potentially two-three members of the general public. There will also be task force groups that will meet on each of the four pillars from the strategic plan. The education pillar is already being handled by the School Board and the Board of Alderman in a joint effort. With these task forces groups there will be some time commitments that will be put on your list of requests. Part of it will be the steering committee meetings but also will be these task force meetings. We are going to want at least one of you on each of the

task force groups. You will be the eyes and ears for the rest of the group so that when the steering committee meets we have the information needed for each task force so that those conversations can occur. The facilitating of the discussions will be handled by Future iQ. We will launch the Comprehensive Plan on January 13, 2020 at 6:30 or 7:00 pm. The location has yet to be determined.

HENDRIX also stated that Census 2020 is happening next year as well and right now the estimated population is 10,249. His estimated guess on what the population will be is 10,413.

He also stated that at our November meeting he mentioned that a conditional use permit for a new wedding venue was going to be coming forward soon. The land was actually sold to another individual so that is out.

#### **4. SINGLE PHASE FINAL PLAT---ESTATES AT WILKERSON CREEK 7 LOTS**

HENDRIX stated that the property is currently 67 acres. There will be seven lots all between seven to ten acres in size. The current plat that we have is missing the sewer easement that runs through lot seven, part of lot six and part of tract A. Due to this, there has been a change made to the staff report. Staff recommends approval of the proposed Final Plat, **conditioned upon revisions to the plat in accordance with the engineer's letter of November 8, 2019 and specifically to include the sewer pump station and Hills of Shannon gravity line in easements as revised by the City's engineers and submitted to the applicant on November 27, 2019.** The new plat that will show this easement should be submitted by the time this goes before the Board of Alderman next week. Stormwater has been a big issue with residents that live nearby, but in this scenario, the impermeable surfaces are such that there is no need for infrastructure associated with slowing the water down. The other thing is that the dark grey area on the plat is the flood plain. Our engineers have said that the worst thing we could do is to put detention inside a flood plain. The traffic on the road is an average of under 12 vehicles a day so there is no need for road improvements. It's a gravel road.

XAVIER stated that the access road to this subdivision has a section that appears to be in the flood plain. Does this mean that it could be under water from time to time?

HENDRIX stated that in a 500 year flood it theoretically could but only in the area at the extreme east end of it. Where the road turns on the very east end is all private and is the only portion that we are aware of that floods.

**PUBLIC HEARING:** None

Public hearing closed.

MAYOR BOLEY made a motion to approve the Single Phase Final Plat for Estates of Wilkerson Creek based on staff recommendation conditioned upon revisions to the plat in accordance with the engineer's letter on November 8, 2019 and specifically to include the sewer pump station and Hills of Shannon gravity line in easements as revised by the City's engineers and submitted to the applicant on November 27, 2019. SAMENUS seconded the motion.

**DISCUSSION:** None

**THE VOTE:** SAMENUS-AYE, ALDERMAN SARVER-AYE, XAVIER-AYE, DOTSON-AYE, MAYOR BOLEY-AYE, KATHCART-AYE, SMITH-AYE.

**AYES-7, NOES-0. MOTION PASSED**

**5. PUBLIC COMMENT**

NONE

**6. ADJOURN**

XAVIER made a motion to adjourn. KATHCART seconded the motion.

VOICE VOTE: UNANIMOUS

SMITH declared the session adjourned at 7:42 p.m.

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## TITLE IV, LAND USE

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### Chapter 400, Zoning Regulations

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#### Article I, General Provisions

As regards the definition of DWELLING, SINGLE-FAMILY in Section 400.075, note that the provisions of Section 89.020, RSMo., appear to require different elements to this definition.

***89.020. Powers of municipal legislative body--group homes, classification, standards, restrictions--enforcement of zoning beyond lake shorelines, when, how--foster homes, classifications of--certain municipalities may adopt county zoning regulations.***

1. *For the purpose of promoting health, safety, morals or the general welfare of the community, the legislative body of all cities, towns, and villages is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the preservation of features of historical significance, and the location and use of buildings, structures and land for trade, industry, residence or other purposes.*

2. *For the purpose of any zoning law, ordinance or code, the classification single family dwelling or single family residence shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. In the case of any such residential home for mentally or physically handicapped persons, the local zoning authority may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards. Further, the local zoning authority may establish reasonable standards regarding the density of such individual homes in any specific single family dwelling neighborhood.*

3. *No person or entity shall contract or enter into a contract which would restrict group homes or their location as described in this section from and after September 28, 1985.*

4. *Any county, city, town or village which has a population of at least five hundred and whose boundaries are partially contiguous with a portion of a lake with a shoreline of at least one hundred fifty miles shall have the authority to enforce its zoning laws, ordinances or codes for one hundred yards beyond the shoreline which is adjacent to its boundaries. In the event that a lake is not large enough to allow any county, city, town or village to enforce its zoning laws, ordinances or codes for one hundred yards beyond the shoreline without encroaching on the enforcement powers granted another county, city, town or village under this subsection, the counties, cities, towns and villages whose boundaries are partially contiguous to such lake shall enforce their zoning laws, ordinances or orders under this subsection pursuant to an agreement entered into by such counties, cities, towns and villages.*

5. *Should a single family dwelling or single family residence as defined in subsection 2 of this section cease to operate for the purpose as set forth in subsection 2 of this section, any other use of such home, other than allowed by local zoning restrictions, must be approved by the local zoning authority.*

6. *For purposes of any zoning law, ordinance or code the classification of single family dwelling or single family residence shall include any private residence licensed by the children's division or*

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department of mental health to provide foster care to one or more but less than seven children who are unrelated to either foster parent by blood, marriage or adoption. Nothing in this subsection shall be construed to relieve the children's division, the department of mental health or any other person, firm or corporation occupying or utilizing any single family dwelling or single family residence for the purposes specified in this subsection from compliance with any ordinance or regulation relating to occupancy permits except as to number and relationship of occupants or from compliance with any building or safety code applicable to actual use of such single family dwelling or single family residence.

7. Any city, town, or village that is granted zoning powers under this section and is located within a county that has adopted zoning regulations under chapter 64 may enact an ordinance to adopt by reference the zoning regulations of such county in lieu of adopting its own zoning regulations. (RSMo 1939 § 7412, A.L. 1957 p. 274, A.L. 1959 H.B. 493, A.L. 1985 H.B. 552, A.L. 1989 S.B. 11, A.L. 2006 S.B. 809, A.L. 2014 H.B. 1299 Revision)

**Decision:**

*Insert the provisions of Section 89.020.2, RSMo., underlined above as an addition to the definition of DWELLING, SINGLE-FAMILY.*

**Decision With Final Draft:**

*In Section 400.130(F)(4), revise the reference to read "Section 425.270."*

**Article II, District Regulations**

- A. See note above regarding Group Homes. Should this use be placed as a permitted use in all the districts which permit "single-family dwelling"?

**Decision:**

*No revision desired; it is covered by the statutory language added to the definition of DWELLING, SINGLE-FAMILY noted above.*

- B. Section 400.270 provides a penalty for violations of Article II, Division 3, Floodplain Overlay District Regulations, as a misdemeanor. However, because the City has included the Floodplain Regulations as part of the Zoning Regulations, you may want to review Section 89.120, RSMo., which appears to set out different penalty provisions for anything enacted under the authority of Chapter 89, RSMo.

**89.120. Violations--penalties.**

1. In case any building or structure is erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of sections 89.010 to 89.140 or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place, or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of sections 89.010 to 89.140.



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2. The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation, or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable as follows:

(1) In any city with more than three hundred thousand inhabitants, by a fine of not less than ten dollars and not more than five hundred dollars for each and every day that such violation continues, or by imprisonment for ten days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court. Notwithstanding the provisions of section 82.300, however, for the second and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than two hundred and fifty dollars or more than one thousand dollars for each and every day that such violation shall continue, or by imprisonment for ten days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court;

(2) In all other municipalities, by a fine of not less than ten dollars and not more than two hundred fifty dollars for each and every day that such violation continues, or by imprisonment for ten days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court. Notwithstanding the provisions of section 82.300, for the second and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than one hundred dollars or more than five hundred dollars for each and every day that such violation shall continue, or by imprisonment for ten days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court.

3. Any such person who, having been served with an order to remove any such violation, shall fail to comply with such order within ten days after such service or shall continue to violate any provision of the regulations made under authority of sections 89.010 to 89.140 in the respect named in such order shall also be subject to a civil penalty of two hundred and fifty dollars. (RSMo 1939 § 7419, A.L. 1989 H.B. 498, A.L. 1998 H.B. 977 & 1608 and H.B. 1352, A.L. 2008 H.B. 1849 merged with S.B. 1002)

Prior revision: 1929 § 7266

**Decision:**

Revise this Section to refer to the penalty Section for the Zoning Chapter, as follows:

~~Violation of the provisions of this Division or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor.~~ Any person who violates this Division or fails to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall, upon conviction thereof, be ~~fin~~ed ~~not more than five hundred dollars (\$500.00) and, in addition, shall pay all costs and expenses involved in the case~~ punished as set forth in Section 400.610 of this Chapter. Each day such violation continues...

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**Article III, Site Development Regulations**

As regards the signs penalty in Section 400.485(C)(4), refer to the previous note to Section 400.270 and determine if any revisions are needed herein.

**Decision:**

*Revise this Section to refer to the penalty Section for the Zoning Chapter, as follows:*

*Unless a different penalty provision is otherwise provided for herein, a violation of any of the provisions of this Division shall, upon conviction, be ~~fin~~~~ed not more than one hundred dollars (\$100.00) for the first (1st) day of any such violation and, for each day following specific notice, in writing, that a particular sign or action is in violation of this code, a the fine shall be five hundred dollars (\$500.00) per day for each day thereafter, punishable as set forth in Section 400.610 of this Chapter until full compliance with the requirements of this code are met. Each day following specific notice, in writing, of violation, shall constitute a separate offense.~~*

**Article IV Amendments, Appeals and Variances**

- A. Regarding Section 400.565(B), we note that the similar statutory provisions of Section 89.060, RSMo., adds a reminder regarding public hearings.

***89.060. Change in regulations, restrictions and boundaries--procedure.***

*Such regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change duly signed and acknowledged by the owners of thirty percent or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred and eighty-five feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds of all the members of the legislative body of such municipality. The provisions of section 89.050 relative to public hearing and official notice shall apply equally to all changes or amendments. (RSMo 1939 § 7416, A.L. 1988 H.B. 923)Prior revision: 1929 § 7263*

**Decision:**

*Add the above underlined language to Subsection (B).*

- B. Note in Subsection 400.570(D)(6)(d)(9) there is reference to the “Director of Public Works.” We find no reference to this official elsewhere in the Code, except in Chapter 703. Is this still the correct official in this Section? Also, two paragraphs down from this the “Community Development Director” is mentioned, and we question whether both of these officials are still current?

**Decision:**

*Change “Director of Public Works” to “Development Director.”*

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- C. See Section 400.570(D)(6)(g), regarding penalties for telecommunications facilities, and the note above to Article III, Section 400.270, regarding the penalty and determine if any changes should be made herein.

**Decision:**

*Revise this Section to refer to the penalty Section for the Zoning Chapter, as follows:*

*This Subsection shall be in full force and effect upon its enactment and approval and any person found to be in violation of any of the provisions of this Subsection shall be ~~subject to a fine of up to five hundred dollars (\$500.00) for each day of violation.~~ punishable as set forth in Section 400.610 of this Chapter for each day of violation.*

**Article V Administration, Boards and Commissions**

- A. As regards the penalty in Section 400.610, see the similar statutory provisions of Section 89.120, RSMo., and the differences set out below.

***89.120. Violations--penalties.***

*1. In case any building or structure is erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of sections 89.010 to 89.140 or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place, or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of sections 89.010 to 89.140.*

*2. The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation, or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable as follows:*

*(1) In any city with more than three hundred thousand inhabitants, by a fine of not less than ten dollars and not more than five hundred dollars for each and every day that such violation continues, or by imprisonment for ten days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court. Notwithstanding the provisions of section 82.300, however, for the second and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than two hundred and fifty dollars or more than one thousand dollars for each and every day that such violation shall continue, or by imprisonment for ten days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court;*

*(2) In all other municipalities, by a fine of not less than ten dollars and not more than two hundred fifty dollars for each and every day that such violation continues, or by imprisonment for ten days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court. Notwithstanding the provisions of section 82.300, for the second and*

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subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than one hundred dollars or more than five hundred dollars for each and every day that such violation shall continue, or by imprisonment for ten days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court.

3. Any such person who, having been served with an order to remove any such violation, shall fail to comply with such order within ten days after such service or shall continue to violate any provision of the regulations made under authority of sections 89.010 to 89.140 in the respect named in such order shall also be subject to a civil penalty of two hundred and fifty dollars. (RSMo 1939 § 7419, A.L. 1989 H.B. 498, A.L. 1998 H.B. 977 & 1608 and H.B. 1352, A.L. 2008 H.B. 1849 merged with S.B. 1002) Prior revision: 1929 § 7266

**Decision:**

*Insert the above underlined language set forth above.*

- B. Section 400.625(G)(1) and (4) should be compared to the similar statutory provisions of Section 89.110, RSMo., for possible revisions.

**89.110. Board of adjustment--decisions subject to review--procedure.**

Any person or persons jointly or severally aggrieved by any decision of the board of adjustment, any neighborhood organization as defined in section 32.105 representing such person or persons or any officer, department, board or bureau of the municipality, may present to the circuit court of the county or city in which the property affected is located a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board. Upon the presentation of such petition the court may allow a writ of certiorari directed to the board of adjustment to review such decision of the board of adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order. The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which a determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issues in any proceedings under sections 89.080 to 89.110 shall have preference over all other civil actions and proceedings.(RSMo 1939 § 7418, A.L. 1997 S.B. 112) Prior revision: 1929 § 7265

**Decision:**

*Include the underlined language noted above.*

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- C. Section 400.630(A) and (C) should be compared to the similar statutory provisions of Section 89.100, RSMo., for possible revisions.

***89.100. Board of adjustment--appeals, procedure.***

*Appeals to the board of adjustment may be taken by any person aggrieved, by any neighborhood organization as defined in section 32.105 representing such person, or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.(RSMo 1939 § 7418, A.L. 1997 S.B. 112) Prior revision: 1929 § 7265*

**Decision:**

*Include the underlined language noted above.*

- D. In Section 400.650 the Commission is referred to as the “Planning Commission”; however, the “Planning and Zoning Commission” is used in many other areas of the Code. The City may want to choose one term or the other and use it throughout the Code. We note that the City’s website refers to “Planning Commission.”

**Decision:**

*Use “Planning and Zoning Commission” consistently throughout the Code.*

**Chapter 405, (Reserved)**

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**NO DECISION REQUIRED HERE; see Reserved Chapters and Renumbering above**

**Chapter 410, (Reserved)**

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**NO DECISION REQUIRED HERE; see Reserved Chapters and Renumbering above**