

ORDINANCE NUMBER 80

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A CITY PLANNING COMMISSION AND PROVIDING FOR ITS POWERS AND DUTIES UNDER SECTION 89.300 THROUGH 89.490, REVISED STATUTES OF MISSOURI, 1986, STATING WHEN THIS ORDINANCE SHALL TAKE EFFECT AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ARCADIA, MISSOURI, AS FOLLOWS:

SECTION 1. DEFINITIONS. For the purpose of this Ordinance the following terms mean or include:

A. "Board of Aldermen" - The chief legislative body of the City of Arcadia.

B. "Streets" - Any public ways.

C. "Subdivision" - The division of a parcel of land into two 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 2. The Board of Aldermen of the City of Arcadia shall adopt, amend, and carry out a city plan and appoint a Planning Commission with the powers and duties herein set forth.

SECTION 3. The Planning Commission in the City of Arcadia shall consist of Twelve (12) members, including the Mayor, a member of the Board of Aldermen selected by the Board annually at its first organizational meeting, the City engineer or similar City official, and Nine (9) citizens appointed by the Mayor and approved by the Board. This Commission shall be known as the City Planning Commission. All citizen members of the Commission shall serve without compensation. The term of each of the citizen members shall be for four (4) years, except that the terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in the membership shall be filled for the unexpired term by appointment as aforesaid. The Board may remove any citizen member for cause stated in writing and after public hearing.

SECTION 4. The 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. The Commission shall hold regular meetings and special meetings as provided by rule and shall adopt rules for the transaction of business and shall keep a record of its proceedings. These records shall be public records. The 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. The expenditures of the Commission exclusive of grants and gifts shall be within the amount appropriated for the purpose by the Board of Aldermen.

SECTION 5. The Commission shall make and adopt a city plan for the physical development of the City of Arcadia. 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; and 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 height, area, bulk, location and use of private non-profit and public structures and premises, and population density, but the adoption and enforcement and administration of the zoning plan shall conform to the provisions of Section 89.010 to 89.140, Revised Statutes of Missouri.

SECTION 6. 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 general 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 7. The Commission may adopt a 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 thereof. 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 Arcadia. 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, 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 recorded in the office of the County Recorder of Deeds.

SECTION 8. All public officials shall, upon request, furnish to the Commission within a reasonable time all available information it requires for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land to make examinations and surveys. In general, the Commission shall have the power necessary to enable it to perform its functions and promote municipal planning.

SECTION 9. Whenever the commission adopts the plan of the City of Arcadia 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 have been submitted to and approved by the Planning Commission. In case of disapproval, the Commission shall communicate its reasons to the Board of Aldermen, 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 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 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 10. The Commission shall have and perform all the functions of the Zoning Commission provided for in Section 89.010 to 89.140, Revised Statutes of Missouri, 1986, and amendments thereto, and shall have and perform all of the functions of the Planning Commission as outlined in said Chapter.

SECTION 11. After the Planning Commission of the City of Arcadia 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 Iron 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 has approved the plat as provided by law.

#### SECTION 12.

A. The Planning Commission shall recommend, and the Board of Aldermen may by ordinance adopt, regulations governing the subdivision of land within its jurisdiction. The regulations, in addition to the requirements provided by law for the approval of plats, may provide requirements for the coordinated development of the municipality, for the coordination of streets within the subdivisions with other existing or planned streets or with other features of the city plan or official map of the municipality, for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic.

B. The regulations may include requirements as to the extent and manner in which the streets of the

subdivision or any designated portions thereto shall be graded and improved as well as including requirements as to the extent and manner of the installation of all utility facilities, and compliance with all these requirements is a condition precedent to the approval of the plat. The regulations or practice of the Board of Aldermen may provide for the tentative approval of the plat previous to the improvements and installations, but any tentative approval shall not be entered on the plat. The regulations may provide that, in lieu of the completion of the work and installations previous to the final approval of the plat, the Board of Aldermen may accept a bond in an amount and with surety and conditions satisfactory to it, providing for and securing the actual construction and installation of the improvements in utilities within a period specified by the Board of Aldermen and expressed in the bond. The Board may enforce the bond by all appropriate legal and equitable remedies. The regulations may provide, in lieu of the completion of the work and installations previous to the final approval of a plat, for an assessment or other method whereby the Board is put in an assured position to do the work and make the installations at the cost of the owners of the property within the subdivision. The regulations may provide for the dedication,



reservation, or acquisition of lands and open spaces necessary for public uses indicated on the city plan and for appropriate means for providing for the compensation including reasonable charges against the subdivision, if any, and over a period of time and in a manner as is in the public interest.

C. Before adoption of its subdivision regulations or any amendment thereof, a duly advertised public hearing thereon shall be held by the Board of Aldermen.

SECTION 13. Within sixty (60) days after submission of a 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 grounds for disapproval of any plat by the Commission shall be made a matter of record.

SECTION 14. The approval of a plat by the Commission does not constitute or effect an acceptance by the City of Arcadia or public of the dedication to public use of any street or other ground shown upon the plat.

SECTION 15. No owner or agent of the owner of any land located within the platting jurisdiction of the City of Arcadia shall knowingly or with intent to defraud transfer,

sell, agree to sell, or negotiate to sell that land before the plat has been approved by the Board of Aldermen or Planning Commission and recorded in the office of the Recorder of Deeds of Iron County. Any person violating the provisions of this section shall forfeit and pay to the City of Arcadia 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. The City of Arcadia may enjoin or vacate the transfer or sale or agreement by legal action and may recover the penalty in such action.

SECTION 16. Upon adoption of a major street plan and subdivision regulations, the City of Arcadia 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 City unless the street has received a 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 Planning Commission or on a street plan made by and adopted by the Commission. The Board of Aldermen may located 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.

SECTION 17. After the adoption of a major street plan, no building permits shall be issued for and no buildings 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 of Section 16 above.

SECTION 18. 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. When a plan for proposed major streets or other public improvements has been adopted, the Board of Aldermen is authorized to 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.

SECTION 19. Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or by confinement in the county jail for not more than one (1) year or by both such fine and confinement.

SECTION 20. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 21. If any section, subsection, sentence, clause or phrase of this Ordinance shall be declared unconstitutional or repugnant to the laws of the United States or the State of Missouri, the balance of this Ordinance shall remain in full force and effect. Members of the Board of Aldermen hereby declare that they would have passed this Ordinance irrespective of the fact that any one (1) or more sections, subsections, clauses or phrases are declared unconstitutional or repugnant to the laws of the United States or the State of Missouri.

SECTION 22. This Ordinance shall be in full force and effect from and after its passage and approval. Passed and approved this 14TH day of AUGUST, 1989.



Joyce Callisto  
Joyce Callisto, City Clerk

Kenneth W. Lumbley  
Kenneth W. Lumbley  
Mayor of the City of Arcadia