

## **Chapter 20**

### **PLANNING\***

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\* **Cross References:** Buildings and building regulations, Ch. 6; civil defense, Ch. 7; fire prevention code, § 9-21 et seq.; motor vehicles and traffic, Ch. 14; parks and recreation, Ch. 17; public works and improvements, Ch. 22; signs, Ch. 23; streets, sidewalks and public places, Ch. 24; subdivisions regulations, Ch. 25; utilities, Ch. 27; zoning regulations, Ch. 29.

**State Law References:** Zoning and planning, RSMo. § 89.010 et seq.

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#### **Art. I. In General, §§ 20-1--20-20**

#### **Art. II. Department of Planning and Development, §§ 20-21--20-35**

#### **Art. III. Planning and Zoning Commission, §§ 20-36--20-55**

#### **Art. IV. Public Housing and Urban Renewal, §§ 20-56, 20-57**

### **ARTICLE I.**

#### **IN GENERAL**

##### **Sec. 20-1. Authority to establish building or setback lines on major streets.**

When a plan for major streets has been adopted by the city council, upon recommendation of the planning and zoning commission, the council may establish, regulate, limit and amend by ordinance, building or setback lines on major streets and prohibit any new building being located within building or setback lines. (Code 1964, § 19.610)

##### **Sec. 20-2. Proposed plan line for streets, public improvements, etc.--Hearing.**

Building and setback lines, centerlines of any proposed streets and limits of any proposed sites for public improvements shall be carefully determined and accurately delineated on maps which, together with all other data and information indicated thereon, shall be considered by the planning and zoning commission for recommendation to the city council after a public hearing. The time and place of such public hearing shall be set by the director of planning or by the planning and zoning commission. At least fifteen (15) days' notice of the time and place of such hearing shall be published in at least one newspaper having a general circulation in the city. The notice of public hearing shall designate all building or setback lines, the centerline of any proposed street and the limits of any proposed site for public improvements. (Code 1964, § 19.630)

##### **Sec. 20-3. Same--Building prohibited along plan lines.**

When a plan for proposed major streets or other public improvements has been adopted, and when building and setback lines, centerlines for proposed streets, or the limits of proposed sites for public improvements have been carefully determined and accurately delineated on maps recommended by the planning

and zoning commission and adopted by the city council, no building permit shall be issued for, and no new building or structure shall be erected within building or setback lines or within the proposed sites for public improvements, or within the right-of-way for proposed streets.

(Code 1964, § 19.620)

**State Law References:** Similar provisions, RSMo. § 89.100.

#### **Sec. 20-4. Appeals and effects of appeals.**

Appeals to the board of adjustment may be taken by any person aggrieved, or by any officer, department, board or bureau of the city affected by any decision of the administrative officer with respect to these building line regulations.

(Code 1964, § 19.640)

#### **Secs. 20-5--20-20. Reserved.**

### **ARTICLE II.**

#### **DEPARTMENT OF PLANNING AND DEVELOPMENT\***

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\* **Cross References:** City departments generally, § 2-176 et seq.

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#### **Sec. 20-21. Department established.**

The department of planning and development is hereby established in the city.

(Code 1964, § 19.590)

#### **Sec. 20-22. Purposes; powers and duties.**

The purposes of the department, so far as are consistent and not in conflict with the city charter, are to plan for the present and future development and improvement of the city in any and all phases of its activities, whether governmental, proprietary or otherwise. Such activities shall include, but not be limited to, traffic, transportation, playgrounds, parks, public buildings, housing, public monuments, works of art, public streets, public utilities, parking, and parking facilities. The department shall, through its director of planning, advise the city manager and the city council with respect to the planning affairs of the city, and shall furnish to the city manager and city council at any time upon request, such information and particulars concerning planning as may be desired. Said department shall act upon all matters referred to it by the city manager or the city council; and shall, if required or deemed necessary, report thereon to the city manager or the city council. The department, through its director of planning and development, shall be the advisor and consultant to the city planning and zoning commission, and shall prepare and furnish to the city planning and zoning commission such reports, studies, plans, surveys or other data as may be necessary in aiding and assisting the planning and zoning commission in the discharge of its duties. The department shall have such other powers and duties as may be prescribed by law or by ordinance or by resolution of the city council.

(Code 1964, § 19.590)

#### **Sec. 20-23. Director of department; duties.**

There shall be a director of planning and development, who shall be appointed by the city manager, and who shall have jurisdiction, supervision and control of the department of planning and development, its operations and functions, records and files, and all personnel of such department. He shall have general direction and supervision of the expenditure of all moneys appropriated to the department, subject to the provisions of the home rule charter of the city. He shall have such other powers and duties as may be prescribed by law or by ordinance or resolution of the city council.  
(Code 1964, § 19.600)

**Sec. 20-24. Schedule of fees.**

The following processing fees are established:

- (1) Initial preliminary plat . . . . \$400.00 +  
\$5.00 per lot
  - Major revisions to preliminary plat . . . . \$200.00 + \$5.00 per lot
  - Minor revisions to preliminary plat . . . . \$200.00
- (2) Final plat (in addition to recording fee) . . . . \$200.00 +  
\$5.00 per lot
- (3) Replat (in addition to recording fee) . . . . \$200.00 +  
\$5.00 per lot
- (4) Initial plan for planned districts:
  - 0 to 2 acres . . . . \$200.00
  - Greater than 2 acres to 5 acres . . . . \$300.00
  - Greater than 5 acres to 10 acres . . . . \$400.00
  - Greater than 10 acres to 15 acres . . . . \$600.00
  - Greater than 15 acres to 20 acres . . . . \$800.00
  - Greater than 20 acres . . . . \$1,000.00
  - Minor revisions to plan for planned districts . . . . \$100.00
  - All other revisions to plan for planned districts . . . . \$200.00
- (5) Request to vacate public easement (in addition to recording fee) . . . . \$250.00
- (6) Request to vacate public street or alley (in addition to recording fee) . . . . \$250.00

- (7) Request for variance from subdivision regulations in connection with preliminary or final plat . . . \$250.00

All other requests for variance from subdivision regulations . . . . \$250.00

- (8) Request to rezone from district A-1 to district R-1 . . . . No fee

Request to place property in overlay district H-P . . . . No fee

Voluntary annexation petitions . . . . \$250.00 + applicable zoning fee  
(based on acreage)

Request for permanent zoning at time of annexation when the request is for property to be placed in a zoning district substantially equivalent to or of lesser intensity than the existing Boone County zoning . . . . No zoning fee or advertising cost

All other requests for rezoning (in addition to costs of advertisement of public hearings):

0 to 2 acres . . . . \$200.00

Greater than 2 acres to 5 acres . . . . \$300.00

Greater than 5 acres to 10 acres . . . . \$400.00

Greater than 10 acres to 15 acres . . . . \$600.00

Greater than 15 acres to 20 acres . . . . \$800.00

Greater than 20 acres . . . . \$1,000.00

(Ord. No. 16588, § 1, 9-13-00; Ord. No. 17090, § 1, 11-5-01; Ord. No. 20412, § 1, 9-21-09)

**Secs. 20-25--20-35. Reserved.**

### **ARTICLE III.**

#### **PLANNING AND ZONING COMMISSION\***

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\* **Charter References:** City powers generally, § 18.  
**Cross References:** City commission generally, § 2-221 et seq.  
**State Law References:** Zoning commission, RSMo. § 89.070; planning commissions, §§ 89.320, 89.330.

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**Sec. 20-36. Established.**

There is hereby established a commission, to be known as "the planning and zoning commission."

**Sec. 20-37. Composition; appointment; term; qualifications; vacancies; compensation.**

The commission shall consist of nine (9) members appointed by the council for staggered terms of five (5) years. Two (2) members shall be appointed annually for terms beginning on the first day of June, except in each fifth year, when only one member shall be so appointed. The city manager shall designate the director of an administrative department as consultant and advisor to the commission but such person shall not be a member of the commission. The members of the commission shall be qualified voters, residents of the city at least one year immediately prior to the date of their appointment, and shall hold no other office or position in the city administration. Appointments to fill vacancies shall be for unexpired terms only. All members shall serve without pay. A member shall serve for up to one (1) month after the expiration of the member's term if no successor has been appointed.

(Code 1964, § 19.010; Ord. No. 9958, § 1, 10-3-83; Ord. No. 15435, § 1, 11-3-97; Ord. No. 15762, § 1, 9-21-98; Ord. No. 19080, § 1, 6-19-06)

**Sec. 20-38. Attendance; forfeiture of office.**

The chair of the commission is authorized to excuse any member from attendance at a commission meeting; provided, that the member requested to be excused before the meeting. Any member who is absent, without being excused, from twenty-five (25) per cent of the regular commission meetings held in a calendar year shall automatically forfeit the office. Any member who is absent, without being excused, from three (3) consecutive regular meetings shall automatically forfeit the office. It shall be the duty of the chair to promptly notify the council of the vacancy.

(Code 1964, § 19.010; Ord. No. 9958, § 1, 10-3-83; Ord. No. 15435, § 1, 11-3-97; Ord. No. 16773, § 1, 2-5-01; Ord. No. 17658, § 1, 4-21-03)

**Sec. 20-39. Officers; organization; rules and regulations; quorum.**

The commission shall elect annually from among its members its own chair, vice-chair and secretary, and from time to time provide such rules and regulations, not inconsistent with the ordinances of the city, for its own organization and procedure as it may deem proper. Six (6) members of the commission shall constitute a quorum for the transaction of business.

(Code 1964, § 19.010; Ord. No. 9958, § 1, 10-3-83; Ord. No. 16773, § 1, 2-5-01; Ord. No. 16907, § 1, 5-21-01; Ord. No. 17658, § 1, 4-21-03)

**Sec. 20-40. Reserved.**

**Editors Note:** Ord. No. 16773, § 1, adopted Feb. 5, 2001, repealed former § 20-40 of the Code, which pertained to employment of assistants and advisors and derived from the 1964 Code, § 19.010 and Ord. No. 9958, § 1, adopted Oct. 3, 1983.

**Sec. 20-41. Powers and duties--Generally.**

The commission shall have the authority and duty to:

- (1) Prepare and submit to the council for its adoption a comprehensive plan for the physical development of the city and uses of land in the city. The plan may include the general location and character of residential, commercial, industrial and other areas, the general location, character and extent of streets, bridges, parks, waterways and other public ways, grounds, and spaces, together with the general location of public buildings and other public property, public

utilities, and the extent and location of any public housing or slum clearance projects.

- (2) Make recommendations in connection with the execution and detailed interpretation of the comprehensive plan.
- (3) Act as a zoning commission, in accordance with the provisions of present or future state zoning enabling acts.
- (4) Prepare and recommend to the council rules controlling the subdivision of land.
- (5) Make recommendations regarding the approval or disapproval of plats for land subdivision. Such plats shall be referred to the commission before the council takes any action. Failure of the commission to act within sixty (60) days shall be deemed an approval.
- (6) Recommend from time to time legislation which may be desirable to further the purposes of city planning.

- (7) Assume any other powers or duties as are provided for by the charter of the city.

(Code 1964, § 19.010; Ord. No. 9958, § 1, 10-3-83; Ord. No. 16773, § 1, 2-5-01)

#### **Sec. 20-42. Same--Zoning ordinance and subdivision plats.**

(a) The commission may recommend to the council such amendments or revisions to Chapter 29 of this Code as the commission shall deem necessary or desirable for the promotion of the health, safety, morals and general welfare of the inhabitants of the city. Such provisions may include regulations as to the location, width, height, and bulk of buildings; the size of yards, courts, and other open spaces surrounding buildings; and the use of buildings and land. The commission shall hear applications for amendments, modifications or revisions of the zoning ordinance and shall forward such applications to the council with its recommendations thereon. The recommendations of the commission shall not be binding upon the council, which may approve or disapprove the commission's findings; however, no plan, no zoning ordinance, nor any modification, amendment or revision thereof, shall be finally considered by the council unless the same shall have been first submitted to the commission for its examination and recommendation.

(b) All plats of proposed subdivisions presented to the council for approval shall be submitted to the commission, which shall make recommendations to the council with respect thereto.  
(Code 1964, § 19.010; Ord. No. 9958, § 1, 10-3-83; Ord. No. 16773, § 1, 2-5-01)

#### **Sec. 20-43. Reports.**

The commission shall make such reports to the council as it may deem proper or as required by the council.  
(Code 1964, § 19.010; Ord. No. 9958, § 1, 10-3-83; Ord. No. 16773, § 1, 2-5-01)

#### **Secs. 20-44--20-55. Reserved.**

### **ARTICLE IV.**

## **PUBLIC HOUSING AND URBAN RENEWAL**

### **Sec. 20-56. Public housing.**

(a) All housing projects of the housing authority of the city shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the project is situated. In the planning and location of any housing project, the authority shall take into consideration the relationship of the project to any larger plan or long-range program for the development of the city.

(b) All group housing projects of the housing authority of the city shall be submitted to the city council. If the council shall approve by resolution such project or projects for the development of the city, and the workable program of the city, the council shall refer the plans for the development of such project area or areas to the planning and zoning commission for its study under the provisions of the zoning laws, the charter and the zoning ordinances of the city. Thereupon, all the provisions of section 29-36 shall be applied to such group housing project or projects. The planning and zoning commission, in its study and recommendations, in its consideration and determination of the plans for the development of the project area or areas, shall give due weight and consideration to the plans of the authority, consistent with and in harmony with the provisions of the state zoning laws and the charter and zoning ordinances of the city.  
(Code 1964, § 19.570)

### **Sec. 20-57. Urban renewal.**

All projects of the land clearance for redevelopment authority of Columbia shall be submitted to the planning and zoning commission for its study and recommendations and to the city council for its approval as provided by Chapter 99 of the Revised Statutes of Missouri, 1978, as amended or as may be amended hereafter.  
(Code 1964, § 19.580)