

AN ORDINANCE AMENDING THE VILLAGE OF INNSBROOK, MISSOURI'S ORDINANCE ESTABLISHING THE PLANNING AND ZONING COMMISSION FOR THE VILLAGE OF INNSBROOK, ITS POWERS AND DUTIES, AND THE NUMBER, QUALIFICATIONS AND APPOINTMENTS OF ITS MEMBERS.

WHEREAS, Chapter 89, §89.010 through §89.144, and §89.300 through §89.490 RSMo authorizes municipalities to provide for the manner in which zoning regulations and restrictions and the boundaries of such districts shall be determined, established, and enforced, and from time to time amended, supplemented or changed; and

WHEREAS, On July 23, 1998 the Village of Innsbrook approved Ordinance number 8 establishing the planning and zoning commission; and

WHEREAS, The Village of Innsbrook desires to amend its planning and zoning ordinance so as to better serve its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF INNSBROOK, MISSOURI, AS FOLLOWS:

SECTION 1: Ordinance No. 8, the Municipal Code of the Village of Innsbrook, Missouri is hereby amended by the addition of the following words and phrases in bold type:

AN ORDINANCE ESTABLISHING THE PLANNING AND ZONING COMMISSION FOR THE VILLAGE OF INNSBROOK, ITS POWERS AND DUTIES, AND THE NUMBER, QUALIFICATIONS AND APPOINTMENTS OF ITS MEMBERS.

Section One. Purpose.

The purpose of this Ordinance is hereby to create a Planning and Zoning Commission; establish the number of members, qualifications, method of appointment, and the terms of office of the Planning and Zoning Commission; and describe the powers and duties of the Planning and Zoning Commission.

Section Two. Established.

A Planning and Zoning Commission for the Village of Innsbrook is hereby established and hereafter will be known as the Planning and Zoning Commission.

Section Three. Number of Members and Qualifications.

The Commission shall consist of not more than fifteen nor less than seven members, including:

3.1 The Chairman of the Village Board of Trustees, if the Chairman chooses to be a member;

- 3.2 A member of the Village Board of Trustees selected by the Board of Trustees, if the Board of Trustees chooses to have a member serve on the Commission; and**
- 3.3 Not more than fifteen nor less than five citizens appointed by the Board of Trustees. All Citizen members of the Commission shall serve without compensation.** Any citizen member shall be a registered voter and have been a resident of the Village for not less than one year preceding the date of appointment, and holder of no other office in the Village Administration.

Section Four. Method of Appointment.

The citizen members of the Commission shall be appointed by the Chairman with the consent and approval of the majority of the members of the Village Board of Trustees upon enactment of this ordinance. Thereafter, any vacancy occurring in a citizen membership shall be filled as provided in Section 5.1.

Section Five. Terms of Office.

- 5.1 The initial citizen membership of the first Commission appointed shall serve respectively two members until the first Municipal Election in April, two members for an additional one year. Their terms shall be specified by the Chairman at the time of their appointment. Thereafter, all members shall be appointed for a term of four years. Appointments for any unexpired term shall be for the unexpired terms being filled. The terms shall expire on the Monday preceding the Innsbrook Municipal election in April of each respective year.
- 5.2 **The Board of Trustees may remove any citizen member** of the Commission by a majority vote of the Village Board of Trustees at any time **for cause stated in writing and after a public hearing.**

Section Six. Powers of Commission.

The Commission shall have the necessary power and authority and is hereby authorized to:

- 6.1 Adopt and promulgate and amend rules, regulations and procedures, not inconsistent with the laws and ordinances of the Village of Innsbrook, for the operation of said commission and carrying out of the provisions of this Ordinance.
- 6.2 Have general supervision of the enforcement of any Zoning Ordinances enacted by the Village Board of Trustees.
- 6.3 Prepare or revise a zoning plan for the Village of Innsbrook which shall conform to the provisions of §§89.010 through §89.144, and, §89.300 through §89.490 **RSMo**, as amended, or shall hereafter be revised or amended, and which shall include recommendations to the Village Board of Trustees relating to, among other things:
- 6.3.1. The height, number of stories, and size of buildings and other structures within the Village of Innsbrook.
- 6.3.2. The percentage of lots that may be occupied within the Village of Innsbrook.
- 6.3.3. The size of yards, courts and other open spaces within the Village of Innsbrook.
- 6.3.4. The density of population within the Village of Innsbrook.

- 6.3.5. The preservation of features of historical significance within the Village of Innsbrook.
- 6.3.6. Location and use of buildings, structures, and land for trade, industry, residence or other purposes within the Village of Innsbrook.
- 6.3.7. The division of the Village of Innsbrook into districts and the regulation and restriction of the erection, construction, or reconstruction, alteration or use of buildings, structures or land thereon.
- 6.3.8. Recommend to the Chairman and Village Board of Trustees programs for public improvements and the financing thereof. Enter upon any land to make examinations and surveys, in the performance of its functions.
- 6.4 Adopt a comprehensive Village Plan as defined in §89.340 **through §89.360 RSMo.**
- 6.5 Take all such actions and hold such other powers as authorized by §89.300 through §89.480 **RSMo.**

Section Seven. Duties of Commission.

The duties of the Commission shall be as follows:

- 7.1 Make recommendations to the Chairman and the Village Board of Trustees related to:
 - 7.1.1. The boundaries of the various zoning districts and appropriate regulations to be enforced therein; make preliminary report of same; hold public hearings thereon and submit to the Chairman and the Village Board of Trustees its final reports of same, and thereafter, make recommendations to the Chairman and the Village Board of Trustees as to amendments, modifications or revisions of such final plan.
 - 7.1.2. The locations, length, width, naming or arrangement of any street, boulevard, highway, alley, waterway, bridge, viaduct, park, playground or other public places or improvements.
 - 7.1.3. The platting of public property into lots, plots, streets, boulevards, highways, waterways, alleys, transportation, or other channels for communication of any kind.
 - 7.1.4. The design, location and grouping of public buildings.
 - 7.1.5. The design and location of power and lighting plants.
 - 7.1.6. The design and location of memorials, works of art.
 - 7.1.7. The design and location of street lighting standards.
 - 7.1.8. The general location and extent of communication and power poles lines, above or below ground and other public utilities and terminals whether publicly or privately owned.
 - 7.1.9. The design and location of billboards or projection signs.
 - 7.1.10. Rules, regulations, procedures and minimum standards for the subdivision of land within the Village of Innsbrook as set forth in the Ordinance and Amendments thereto.
- 7.2. Recommendations to the Chairman and Village Board of Trustees pursuant to Section 7.1 shall only be made after first holding at least one public hearing thereon as provided in §89.360 **RSMo** and upon a vote for adoption of such recommendation by a vote of a majority of the full membership of the commission.

- 7.3. Hear all applications and hold public hearings for special use permits, planned development districts, and any other change of zoning, and forward such applications with its recommendations to the Chairman and the Village Board of Trustees for approval. The Commission shall within sixty days from the date on which such application is referred, render a full report to the Chairman and the Village Board of Trustees regarding its findings and recommendations. A majority of the Village Board of Trustees may extend the period of time in which the report is to be submitted upon written request from the Chairman of Planning and Zoning Commission.
- 7.4. The recommendations of the Commission shall not be binding upon the Village Board of Trustees which may approve or disapprove the Commission's recommendations. However, in the event of a disapproval by the Commission of any application made pursuant to subsection 7.3, the Commission shall communicate its reasons for disapproval to the Board of Trustees and thereafter the Village Board of Trustees may overrule such disapproval only upon a vote of not less than its entire membership. No planning recommendation in proposed Zoning Ordinance or any modification amendment or revision thereof shall be considered by the Village Board of Trustees until and unless the same shall have been first submitted to the Commission for its examination and recommendation thereon.
- 7.5. Perform such other duties as may be provided by law, ordinance or resolution of the Village Board of Trustees.
- 7.6. **The commission shall elect its chairman and secretary from among the citizen members** at its first meeting after the annual **Municipal** Election or as soon thereafter as possible. **The term of chairman and secretary shall be for one year with eligibility for reelection.**
- 7.7. The Commission shall make monthly reports, including minutes of all meetings, to the Chairman and Village Board of Trustees, covering activities, investigations, transactions and recommendations, and such other reports relative thereto as may be deemed proper or as required by the Chairman or Village Board of Trustees. These reports shall be public records.
- 7.8. The Commission shall appoint the employees and staff necessary **for its work**, and may contract with Village Planners and other professional persons for the services **that** it requires.
- 7.9. The salaries or compensation of any person separately employed by the Commission shall be fixed by resolution of the Village Board of Trustees.
- 7.10. The Village Board of Trustees shall annually fix a sum to be used for the management and jurisdiction of the Commission: however, **the expenditures of the commission, exclusive of grants and gifts, shall be within the amounts appropriated for the purpose, by the Village Board of Trustees**, for operating expenses as provided for in this Section.
- 7.11. The Commission shall hold **regular meetings and special meetings**, and all such meetings shall be public meetings. In addition, special meetings shall be called as required by the Chairman, Village Board of Trustees, or by the Chairman of the Commission. All members shall be given written notice within a minimum of five days of all special meetings, whether held in public or an executive session, unless waived by the individual members. All meetings of the Commission shall be

conducted according to the rules adopted by it, but in absence of such rules, then Robert's Rules of Order shall apply, unless the Commission determines that a variance from such rules is desirable.

Section Eight. Plats to be Submitted to Commission for Recommendation.

All plats of proposed subdivision shall, before being considered or approved by the Village Board of Trustees, be submitted to the Commission for consideration and recommendation thereon. **Within sixty days after the 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-day period. The ground of disapproval of any plat by the commission shall be made a matter of record.**

Section Nine. Subdivision of Land Without Approval of Village Board of Trustees-- Unlawful.

On and after the effective date of this Ordinance it shall be unlawful for any person, persons, firm or corporation to divide or subdivide any tract, lot, plot or parcel of land lying wholly, or partially within the Village of Innsbrook without first submitting to the Commission a plat showing proposed subdivision or subdivisions, and obtaining the approval of the Village Board of Trustees thereof, unless otherwise provided for by Ordinance.

Section Ten. Use of unapproved plat in sale of land-penalty-vacation or injunction of transfer.

No owner, or agent of the owner, of any land located within the platting jurisdiction of the Village of Innsbrook, knowingly or with intent to defraud, may transfer, sell, agree to sell, or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the Board of Trustees or Planning Commission and recorded in the office of the Warren County Recorder of Deeds unless the owner or agent shall disclose in writing that such plat has not been approved by the Board of Trustees or Planning Commission and the sale is contingent upon the approval of such plat by such Board of Trustees or Planning Commission. Any person violating the provisions of this section shall forfeit and pay to the Village of Innsbrook a penalty not to exceed three hundred dollars 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 Village of Innsbrook may enjoin or vacate the transfer or sale or agreement by legal action, and may recover the penalty in such action.

Section Eleven. Severability.

In the event any word(s), phrase(s), sentence(s), paragraph(s), section(s) contained and appearing in this Ordinance, shall be held or declared to be invalid, unlawful or unconstitutional for any cause or reason, then it is hereby declared that the remaining such portions and provisions of this Ordinance shall be and remain unaffected thereby and shall remain in full force and effect

SECTION 2: This Ordinance shall be in full force and effect from and after its passage and approval by the Chairman.

SECTION 3: If any portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the ordinance defining public nuisance and in no way affects the validity of the remainder of the ordinance.

Said Bill was passed and approved this 11th day of June, 2019, by the Board of Trustees of the Village of Innsbrook, Missouri after having been read by title, or in full, two times prior to passage.

Jeffery S. Thomsen, Chairman
Village of Innsbrook Board of Trustees

ATTEST:

Carla Ayala
Village Administrator/Clerk

(seal)

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