

BILL NO. 5207

ORDINANCE NO. 3384

SPONSOR: Cleeve

**AN ORDINANCE EXPANDING THE DIMENSIONAL REQUIREMENTS FOR NOTICE OF ZONING MATTERS.**

**WHEREAS**, the Board of Aldermen has an interest in providing greater notice to City of Pacific residents concerning zoning matters.

**WHEREAS**, a text amendment to expand dimensional requirements for notice was presented to the Planning and Zoning Commission at its meeting on July 11, 2023. After consideration of the request and testimony presented therein, the Planning and Zoning Commission recommended approval of the ordinance to the Board of Aldermen; and

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PACIFIC, MISSOURI, AS FOLLOWS:**

**Section 1.** Section 400.260 *Amendments*, is hereby amended to replace each reference to one hundred eighty-five (185) feet with two-hundred and fifty (250) feet, as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

3. Board of Aldermen.

b. In the event that the owners of thirty percent (30%) or more of the areas of land (not including streets and alleys) included either in the proposed area of change or within an area determined by lines drawn parallel to and two-hundred and fifty (250) feet distant from the boundaries of the district proposed to be changed protest in writing, duly signed and acknowledged, to the proposed change, no such amendment shall become effective except upon the favorable vote of two-thirds ( $\frac{2}{3}$ ) of all the members of the Board of Aldermen. Otherwise, it shall take an affirmative vote of fifty-one percent (51%) of the Board of Aldermen to approve any proposed application.

**Section 2.** Section 400.185: *Accessory Utility Uses and Facilities – All Districts*, is hereby is hereby amended to replace each reference to one hundred eighty-five (185) feet with two-hundred and fifty (250) feet, as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

A. Every public utility, cable company, video service provider and other users of the City rights-of-way or adjacent easements to provide services shall comply with the supplemental regulations in this Section regarding the placement of accessory utility facilities on public or private property. For purposes of this Section, "*accessory utility facilities*" shall mean such facilities, including pedestals, boxes, vaults, cabinets or

other ground-mounted or below ground facilities that directly serve the property or local area in which the facility is placed, are not primarily for transmission or distribution to other locations, do not materially alter the character of the neighborhood or area and otherwise are customarily found in such areas. Except where limited by other provisions of City ordinance, accessory utility facilities shall be subject to the following supplementary regulations:

1. *Approval — design — location — application — notice.* The design, location and nature of all accessory utility facilities on private or public property shall require approval of the City, which approval shall be considered in a non-discriminatory manner, in conformance with this Section and subject to reasonable permit conditions as may be necessary to meet the requirements of this Section. To that end, prior to any construction, excavation, installation, expansion or other work on any accessory utility facility, the facility owner shall apply to the City and submit detailed plans for the City's review and approval. Contemporaneous with such application, the facility owner shall provide notice to all private property owners within two-hundred and fifty (250) feet of the location of the proposed construction, excavation or other work. Notice shall include detailed description of the proposed work to be done, the exact location of proposed work and the anticipated time and duration when the proposed work will be undertaken. Notice shall be given at least five (5) business days prior to the commencement of any such work. In considering individual applications or multiple location applications, the City shall review the request to ensure the proposed facilities do not impair public safety, harm property values or significant sight-lines or degrade the aesthetics of the adjoining properties or neighborhood and taking into consideration reasonable alternatives. Any material changes or extensions to such facilities or the construction of any additional structures shall be subject to the requirements and approvals as set forth herein. Unless otherwise prohibited, utility facilities subject to this Subsection may be located in minimum setback areas provided that all other requirements are met. To the extent permitted by Section 67.2707.1(3) RSMo., the time, method, manner or location of facilities to be located in the rights-of-way may be established or conditioned by the City to protect the rights-of-way or to ensure public safety. An inspection fee shall be required as may be established by the City to reimburse the City for the costs of review and inspection of accessory utility facilities as may be permitted by applicable law.

**Section 3.** 400.240 *Manufactured Home Park Regulations*, is hereby amended to replace each reference to one hundred eighty-five (185) feet with two-hundred and fifty (250) feet, as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

B. Manufactured Home Park – Approval

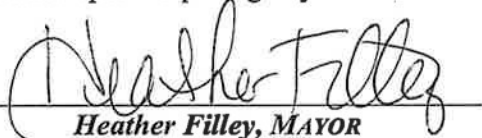
1. Procedures: A manufactured home park may be initiated by an application by one (1) or more of the owners of record or owners under contract of a lot or tract of land or their authorized representatives. Procedures for application, review and approval of a mobile home park are as follows:
  - a. The application procedure for manufactured home parks is controlled by Section 405.040 of this Title.
  - b. A final development plan for the proposed development containing the following elements:
    - (1) Legal description of the proposed development.
    - (2) Names, addresses and phone numbers of the owner, developer and the surveyor who prepared the plan.
    - (3) Location drawing showing the existing development within a one-half ( $\frac{1}{2}$ ) mile radius of the proposed location and ownerships of adjacent tracts within two hundred and fifty (250) feet.

**Section 4.** 400.160 "*PUD*" *Planned Unit District Regulations*, is hereby amended to replace each reference to one hundred eighty-five (185) feet with two-hundred and fifty (250) feet, as follows: (those subsections not specifically set forth herein are not altered or amended in any way and, therefore, remain in full force and effect).

G. Appeal, Protest OR Board of Aldermen Review of Commission Decision

1. Protest Of The Commission Decision. A protest against a proposed "PD" may be presented, duly signed and acknowledged by the owners of thirty percent (30%) or more of the area 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 two-hundred and fifty (250) feet distant from the boundaries of the property upon which the Planned District will be located. A notice of protest must be filed within ten (10) days following the Commission's decision, be in writing, filed with the Zoning Officer and accompanied by the signatures (duly acknowledged) and addresses of the property owners involved. The notice of protest shall further include a notarized verification from the person(s) collecting the protestants signatures that all signatures are correct and real. The protest shall specifically state how the application, as initially filed or subsequently modified, fails to meet the criteria set forth in this Chapter.

**Section 5.** This Ordinance shall be in full force and effect upon its passage by the Board of Aldermen and approval by the Mayor.

PASSED this 1 day of August, 2023.   
**Heather Filley, MAYOR**

APPROVED this 1 day of August, 2023.   
**Heather Filley, MAYOR**

ATTEST:

  
City Clerk

