

Sponsored by: Planning & Zoning Commission

Bill No. 08-2024

Co-Sponsored by: City Staff

Ordinance No. 2024-08

AN ORDINANCE AMENDING CHAPTER 400, ZONING CODE OF THE CITY OF OVERLAND, MISSOURI, RELATING TO CONDITIONAL USE PERMIT PROCEDURES, RESOLUTIONS OF INTENTION, AND THE COMPOSITION OF THE PLANNING & ZONING COMMISSION

WHEREAS, it was the intention of the City Council that the Zoning Code of the City of Overland Ord. No. 2449 (the “Zoning Code”) be amended to revise the City’s regulations related to conditional use permits, resolutions of intention, and to ratify the composition of the Planning & Zoning Commission; and

WHEREAS, after the Planning & Zoning Commission held a duly noticed public hearing on April 30, 2024, in accordance with legal requirements, wherein comments from the public were taken, and thereafter the Planning & Zoning Commission recommended to the City Council that the City Council approve the requested amendments to the Zoning Code; and

WHEREAS, the City Council, after careful and due deliberation has concluded that the proposed amendments to the Zoning Code would be in the interests of the health, safety, and welfare of the citizens of the City of Overland.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERLAND, STATE OF MISSOURI, AS FOLLOWS:

Section 1. That Chapter 400, of the Municipal Code of the City of Overland is hereby amended by the repeal of **Section 400.660 Purpose**, which reads as follows, in its entirety;

Section 400.660 Purpose.
[CC 1976 App. A §10.01; Ord. No. 2449 §1, 11-14-1988]

- A. Conditional uses are those types of uses which are considered by the City to be essentially desirable, necessary, or convenient to the community, but which by their nature or in their operation have:
1. A tendency to generate traffic;
 2. A potential for attracting a number of persons to the area of the use, thus creating noise or other pollutants;
 3. A detrimental effect upon the value or potential development of other properties in the neighborhood; or

4. A potential for accidents or danger to public health or safety.

B. It is hereby declared that certain land uses and developments present unique problems with respect to their proper location and relationship to other land uses. Therefore, analysis and judgment of the consequences of each development and use is necessary to preserve and to promote the public health, safety, and general welfare. Such land uses and developments are identified in each particular Zoning District under conditional uses.

Section 2. That Chapter 400, of the Municipal Code of the City of Overland is hereby amended by the adoption of a new **Section 400.660 Purpose**, to read as follows;

400.660 Purpose.

To ensure certain uses are subject to special controls and/or conditions to ensure such use is compatible with the applicable Property within various Zoning Districts, certain uses may be permitted by Conditional Use Permit after analysis and judgment of the effect of each such use by the Commission and the City Council to ensure that the public health, safety, and general welfare are protected and preserved.

Section 3. That Chapter 400, of the Municipal Code of the City of Overland is hereby amended by the repeal of **Section 400.670 Procedures**, which reads as follows, in its entirety;

Section 400.670 Procedures.

[CC 1976 App. A §10.02; Ord. No. 2449 §1, 11-14-1988; Ord. No. 2478 §2, 4-10-1989; Ord. No. 2542 §2, 12-11-1989; Ord. No. 2003-04 §1, 1-27-2003]

A. The granting of a conditional use permit may be initiated by a verified application of one (1) or more of the owners of record or owners under contract of a lot or tract of land, or their authorized representatives, or by a resolution of intention by the Planning and Zoning Commission or the City Council. Procedures for application, review, and approval of a conditional use permit shall be as follows:

1. Application. Application for a conditional use permit for a specific tract of land shall be addressed to the Planning and Zoning Commission and filed in its public office. The application shall be filed on forms prescribed for that purpose by the Planning and Zoning Commission and be accompanied by the following:

a. Filing fee shall be one hundred fifty dollars (\$150.00).

b. Legal description of the property.

- c. Outboundary plat of the property.
 - d. A site plan in conformance with the requirements of Article IX.
- 2. Public hearing. A public hearing on the application shall be held by the Planning and Zoning Commission within forty-five (45) days of verification by the Director of Public Works that the application meets the minimum application requirements. Notice of such public hearing shall be provided at least seven (7) days in advance of the hearing by either:
 - a. Publication of notice in a paper of general circulation within the City; or
 - b. Certified mailing or personal delivery to all property owners and tenants within a two hundred (200) foot radius of the subject property, with proof of mailing or personal service by the applicant or agent to be filed prior to the conclusion of the public hearing. The requirements of a public hearing shall apply equally to actions initiated by the City Council or the Planning and Zoning Commission.
- 3. Burden of proof. In presenting any application for a conditional use permit to the Planning and Zoning Commission for review and approval, the burden of proof shall rest with the applicant to provide any necessary evidence required by the Commission to clearly indicate that the proposed conditional use shall meet the following criteria:
 - a. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.
 - b. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.
 - c. The proposed conditional use will not cause injury to the value of other property in the neighborhood in which it is to be located.
 - d. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance

with the applicable Zoning District regulations and/or the City's comprehensive plan. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:

- 1) The location, nature and height of buildings, structures, walls, and fences on the site; and
 - 2) The nature and extent of proposed landscaping and screening on the site.
- e. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations.
 - f. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
 - g. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
 - h. Adequate provisions for internal traffic and pedestrian traffic are made.
4. Approval or denial of application. Subsequent to public hearing, the Planning and Zoning Commission shall file a report with the City Council in which the Commission shall grant or deny each application for a conditional use permit and state the reasons therefore. The Planning and Zoning Commission may permit those developments and uses for which the evidence submitted by the applicant, as required in Subsection (3) above, reflects that such developments and uses are consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and are deemed essential or desirable to preserve and promote the public health, safety, and general welfare of the City of Overland. If the facts in the case do not establish that the findings and standards set forth in this Chapter will apply to the proposed use, the Planning and Zoning Commission shall deny the conditional use permit. In approving such conditional uses, the Planning and Zoning Commission shall impose such conditions as it determines necessary.

Said conditions shall include but not be limited to the following:

- a. Permitted uses, including maximum floor area.

- b. Performance standards.
- c. Height limitations.
- d. Minimum yard requirements.
- e. Off-street parking and loading requirements.
- f. Sign regulations.
- g. Minimum requirements for site development plans.
- h. Time limitations for duration of the use or subsequent review.
- i. Architectural elevations of any proposed structures.
- j. All proposed landscaping.

These, and any other conditions deemed necessary by the Commission, may be made more restrictive than the minimum requirements of the respective Zoning District within which the conditional use will be located.

5. Permit effective, when. Unless the City Council exercises its power of review, or a duly filed protest is received by the City Clerk, a conditional use permit, or an amendment thereto, shall become effective at the later of:
- a. The regularly scheduled meeting of the City Council at which the report of the Planning and Zoning Commission concerning the proposed conditional use permit is received; or
 - b. The expiration of the period in which a protest may be filed pursuant to Section 400.675(B). If the City Council exercises its power of review or a protest is filed, a conditional use permit shall not become effective until the Council makes its decision with respect to the application.

In the event that a conditional use permit is filed in conjunction with a change of zoning, the permit shall not become effective until the date of enactment of the ordinance authorizing the zoning change. In the event that some additional approval is required by some other governmental authority or agency, the permit shall not become effective until that approval is received.

6. Effect of denial. Upon denial by the Planning and Zoning Commission of an application for a conditional use permit, the Commission shall notify the applicant of the denial. If no appeal is filed from the denial and if the City Council does not exercise its power of review, no subsequent application for a permit with reference to the same property or part thereof concerning the same conditional use shall be filed by any applicant until the expiration of twelve (12) months after the denial. Although the applicant is restrained from reapplying for a twelve (12) month period, no provision herein shall be construed to prevent the Planning and Zoning Commission or the City Council from initiating the procedure provided in this Section by a resolution of intention at any time.

Section 4. That Chapter 400, of the Municipal Code of the City of Overland is hereby amended by the adoption of a new **Section 400.670 Procedures**, to read as follows;

Section 400.670 Procedure.

The following procedure shall be implemented in the consideration and determination of the issuance or non-issuance of the Conditional Use Permit:

- A. **Applications.** Applications for Conditional Use Permits shall be filed with the Community Development Department at least thirty (30) days before the next regularly scheduled Commission meeting, unless prior written approval is granted by the Director of Community Development (the "Director") upon good cause shown by the Applicant. The application shall be on forms prescribed for this purpose by the Director and include a Site Plan for the Lot. The Site Plan shall be in accordance with Chapter 400, Article IX. The application shall specify the use sought to be permitted by the Conditional Use Permit. The Director may require submittal of a traffic study when deemed appropriate, at their sole discretion. The application shall further state why the use is needed and the Applicant's opinion as to the effect of the use on surrounding lots. At the time that the application is filed, a fee shall be paid to the City. The fee for Conditional Use Permits shall be \$300.00.
- B. **Owner-Verification Required.** Each application requesting a Conditional Use Permit shall be verified by at least one (1) of the owners or authorized representatives of the owners of such affected Lot. Each Applicant shall attest to the truth and correctness of all facts and information presented with the application.
- C. **The Director Shall Review the Application as to Form.** Upon the determination by the Director that the form of the application is appropriate and all required information has been provided, the Director will present the matter to the Planning and Zoning Commission (the

“Commission”). The application shall be set for consideration before the Commission as soon as practicable from the date of the filing of a complete application, as determined by the Director. The notice of the meeting shall include the posting of public notice on the affected property.

D. Commission Meeting and Recommendation.

1. The Commission, after public notice, shall conduct a public meeting at which the Applicant shall present such information, as the Applicant deems necessary, to substantiate its request for a Conditional Use Permit. The Commission may allow public comment on each petition. The Commission shall thereafter conduct a deliberation and discussion of the application, giving due consideration to each of the following:

a) The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations, and the visual compatibility of the proposed conditional use within the surrounding neighborhood.

b) The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.

c) The proposed conditional use will not cause injury to the value of other property in the neighborhood in which it is to be located.

d) The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable Zoning District regulations and/or the City's comprehensive plan. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:

1) The location, nature and height of buildings, structures, walls, and fences on the site; and

2) The nature and extent of proposed landscaping and screening on the site.

- e) The adequacy of off-street parking and loading areas in accordance with the standards set forth in these regulations.
- f) Adequate utility, drainage, and other such necessary facilities have been or will be provided, as well as accessibility of the property to police, fire, refuse collection and other municipal services.
- g) Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
- h) Adequate provisions for internal traffic and pedestrian traffic are made.

- 2. These discussions and deliberations shall be in a public forum, but no further public participation shall be allowed. After review and deliberation, a simple majority of the Commission is required to constitute a positive recommendation to the City Council. If the proposition does not have a simple majority vote, the proposition fails and shall be taken as a negative recommendation.

E. Commission Report to City Council. The Commission shall communicate the results of its vote to the City Council and may further communicate its reasons for such recommendation. The Commission shall also recommend specific conditions, if any, to the City Council.

F. Notice for Public Hearing. Upon referral of the petition from the Commission, the Conditional Use Permit shall be set for Public Hearing before the City Council. The Director shall cause public notice of such hearing to be given as follows:

- 1. Either seven (7) 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, or the City will be responsible for notifying all owners of property within three hundred (300) feet of the subject property by first class mail of the application and hearing date. Said notice shall be postmarked at least five (5) days prior to the scheduled Public Hearing. In the event the Applicant seeks more than one (1) continuance of any published or notified hearing, the Applicant shall be responsible for reimbursement of any republication and/or mailing notification costs prior to any action by the City Council.

2. Failure to comply with any notice or posting requirements of this Section which are greater than required by state law shall not be a basis for invalidation of any approval or enactment.
- G. Public Hearing.** Prior to consideration of an ordinance approving any Conditional Use Permit, the Board shall conduct a Public Hearing at which the Applicant shall present such information, as the Applicant deems necessary, to substantiate its request. The City Council shall then hear any person wishing to speak in favor of the petition, after which time the City Council shall hear any person wishing to speak in opposition to the petition, after which time the Applicant may address or rebut any issues presented. The City Council shall then close the public participation portion of the hearing.
- H. City Council Decision.** After the Commission has advised the City Council of its recommendation and after Public Hearing, the City Council shall review the petition as such relates to and satisfies the criteria for issuance of a Conditional Uses Permit, after which time, the City Council shall consider the issuance of the Conditional Use Permit by ordinance. Said ordinance shall be proposed and sponsored in the manner of all other ordinances and shall require a majority of the City Council to enact. The Conditional Use Permit permitted by ordinance shall contain the specific terms and conditions of the Conditional Use Permit which shall be strictly adhered to by the Applicant. If the City Council denies a request for a Conditional Use Permit, no subsequent application for a permit with reference to the same property or part thereof concerning the same conditional use shall be filed by any Applicant until the expiration of twelve (12) months after the denial of the Conditional Use Permit.
- I. The Conditional Use Permit shall be reviewed annually by the Director to assure that the use, lot, and building are in compliance with the terms of the Conditional Use Permit. If the Director determines non-compliance with the Conditional Use Permit, notice of non-compliance shall be forwarded to the holder of the Conditional Use Permit. Failure to achieve compliance within a reasonable time, but not less than ten (10) days' notice of the Director shall be deemed cause to terminate the Conditional Use Permit. Upon fifteen (15) days' notice, the Commission may cause a hearing to be held to determine whether or not the property or use is in compliance, and if deemed to be in non-compliance, the Commission may recommend to the City Council termination of the Conditional Use Permit. The City Council by ordinance may terminate the Conditional Use Permit acting upon the recommendation of the Commission.**

Section 5. That Chapter 400, of the Municipal Code of the City of Overland is hereby amended by the repeal of **Section 400.675 Appeal, Protest or Council Review of Planning and Zoning Commission Decision**, which reads as follows, in its entirety;

Section 400.675 Appeal, Protest or Council Review of Planning and Zoning Commission Decision.

[CC 1976 App. A §10.03; Ord. No. 2449 §1, 11-14-1988; Ord. No. 2478 §2, 4-10-1989; Ord. No. 2542 §2, 12-11-1989]

- A. Appeal By Petitioner From Decision. Upon a decision being reached by the Planning and Zoning Commission concerning an application for a conditional use permit, the applicant may file an appeal with the City Council requesting a determination from that body. A notice of appeal shall be filed within ten (10) days following the Planning and Zoning Commission's decision, be in writing, filed with the City Clerk and accompanied by a fee as set by City ordinances. The appeal shall specifically state how the application as initially filed, or subsequently modified, meets the applicable criteria set forth in this Chapter and shall further state what finding of fact or conclusion of law of the Commission's decision is in error.

- B. Protest By Nearby Property Owners To Decision. In case a protest against such conditional use is presented, duly signed, notarized, and acknowledged by the owners of thirty percent (30%) or more of the areas of the land (exclusive of streets and alleys) included in such proposed change, or of the owners of thirty percent (30%) or more of the land within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the property upon which the conditional use will be located, such conditional use shall not become effective except by the favorable vote of two-thirds ($\frac{2}{3}$) of all the members of the City Council. A notice of protest must be filed within the ten (10) days following the Planning and Zoning Commission's decision, be in writing, filed with the City Clerk, and accompanied by the signatures and addresses of the property owners opposed to such conditional use. The notice of protest shall include a notarized verification from the person(s) collecting the protestants' signatures that all signatures are correct and genuine. The protest shall specifically state how the application, as initially filed or subsequently modified, fails to meet the criteria set forth in this Chapter.

- C. City Council Review Of Decision. Unless a notice of appeal or a notice of protest has been filed, the City Council may commence the exercise of the power of review of any Planning and Zoning Commission decision on an application for a conditional use permit, or an amendment thereto, either at the same meeting at which the report of the Planning and Zoning Commission on the application is received or, upon motion duly adopted by the majority vote of the Council at the

meeting at which the report of the Planning and Zoning Commission is received, at a subsequent meeting of the Council not to exceed thirty (30) days from the date on which the Planning and Zoning Commission report is received.

Nothing herein shall prevent the City Council from conducting a public hearing when, upon motion duly adopted by a majority of the City Council, the Council determines that such a public hearing would be in the best interests of all parties. Upon a motion being duly adopted, the City Council shall withhold taking any action with respect to an appeal by a petitioner until after the conclusion of the public hearing.

- D. Public Hearing By The City Council. Before acting on any appeal or protest, the matter shall be set for hearing before the City Council and published notice in a paper of general circulation shall be provided at least seven (7) days in advance of such hearing. The applicant shall be provided written notice of the date, time and location of such hearing by mail or personal delivery. All property owners within two hundred (200) feet of the boundary of the real property for which a conditional use permit is sought shall likewise be notified at least seven (7) days prior to such hearing by written notice setting forth the date, time and location of such hearing, such notice to be sent by regular first-class mail or personal delivery.

The applicant and the protestants, in the case of a protest, shall be given an opportunity to be heard at the hearing. In addition, any other person or persons whom, in the discretion of the City Council, will be aggrieved by any decision or action with respect to the application, may also be heard at the meeting.

- E. City Council Decision. Following receipt of the report of the Planning and Zoning Commission on a conditional use permit application not appealed or protested, or after public hearing in the case of an appealed or protested decision of the Planning and Zoning Commission, the City Council may affirm, reverse or modify, in whole or in part, any determination of the Planning and Zoning Commission. An affirmative vote of a majority of the members of the City Council shall be required to reverse or modify any determination of the Planning and Zoning Commission.

Section 6. That Chapter 400, of the Municipal Code of the City of Overland is hereby amended by the repeal of **Section 400.685 Procedure to Amend Approved Conditional Use Permit**, which reads as follows, in its entirety;

**Section 400.685 Procedure to Amend Approved Conditional Use Permit.
[CC 1976 App. A §10.05; Ord. No. 2449 §1, 11-14-1988]**

In order to amend an existing conditional use permit, the application procedures, required materials, approval process, and appeal process shall be the same as for a new permit.

Section 7. That Chapter 400, of the Municipal Code of the City of Overland is hereby amended by the adoption of a new **Section 400.685 Procedure to Amend Approved Conditional Use Permit**, to read as follows;

Section 400.685. Procedure to Amend Approved Conditional Use Permits.

In order to amend an existing Conditional Use Permit, the Applicant must file the application documents required by Section 400.670.1, and expressly include information demonstrating: 1) the amendment(s) to the Conditional Use Permit sought by Applicant; and 2) the information to substantiate the need for such amendment(s). All Applications to amend an approved Conditional Use Permit shall include a signed statement that the Applicant agrees to be bound by the terms and conditions of the issued Conditional Use Permit, as may be amended. The procedure to amend an approved Conditional Use Permit shall either be under the Administrative Amendment process described in Subsection (A) or the Non-Administrative Amendment process described in Subsection (B), depending on the amendment requested by the Applicant. Any term or condition that is not amended as part of a Conditional Use Permit amendment shall continue in full force and effect.

A. Administrative Amendment

The Director may administratively amend an approved Conditional Use Permit if the Applicant proposes any of the following amendments:

- 1. A change in name of, or ownership interest in, a business operating the Conditional Use, or a change in ownership of the property where a Conditional Use Permit has been issued;**
- 2. A change in the hours of operation for all businesses except those selling intoxicating liquor or Marijuana Businesses; provided that such changes in hours shall not be an increase of more than 15% in total hours the business would be in operation, or an increase in days of operation;**

The Director, in considering whether to administratively amend a Conditional Use Permit, shall consider if the amendment:

- 1. Keeps with the intent and spirit of the original Conditional Use Permit approval;**

2. Is an appropriate amendment in light of the operation of the Conditional Use since approval; and
3. Not a substantial deviation from the original Conditional Use Permit approval or conditions placed thereon.

If, in the judgment of the Director, consideration of the proposed Conditional Use Permit amendment is more appropriate to be considered by the City Council, the Director shall have the authority to require that such Conditional Use Permit amendment proceed under the Non-Administrative Amendment process described in Subsection (B) herein. Additionally, if the request for an administrative amendment to an approved Conditional Use Permit is denied by the Director, the Applicant shall have the right to appeal to the Planning and Zoning Commission. The Planning and Zoning Commission shall hear any such appeal as if it were brought as a non-administrative amendment.

B. Non-Administrative Amendment

All other amendments to any Conditional Use Permit that do not fall within the limited scope of the Administrative Amendment process shall require the application to proceed through the process to initially secure a Conditional Use Permit described in Section 400.670.

Section 8. That Chapter 400, of the Municipal Code of the City of Overland is hereby amended by the repeal of **Section 400.705 Transferability**, which reads as follows, in its entirety;

Section 400.705 Transferability.
[CC 1976 App. A §10.10; Ord. No. 2449 §1, 11-14-1988; Ord. No. 2542 §2, 12-11-1989]

All conditional use permits shall be approved for the originating applicant for a specific location and may not be transferred to any other location by that applicant. Should title to the property be transferred to a different owner, a renewal of the original conditional use permit shall be required.

Section 9. That Chapter 400, of the Municipal Code of the City of Overland is hereby amended by the adoption of a new **Section 400.705 Transferability**, to read as follows;

Section 400.705. Transferability.

All conditional use permits shall be approved for the originating applicant for a specific location and may not be transferred to any other location by that applicant. Should title to the property be transferred to a different owner, an amendment to the original conditional use permit shall be required.

Section 10. That Chapter 400, of the Municipal Code of the City of Overland is hereby amended by the repeal of **Section 400.740 Authority of City Council**, which reads as follows, in its entirety;

Section 400.740 Authority of City Council.
[CC 1976 App. A §12.01; Ord. No. 2449 §1, 11-14-1988; Ord. No. 2478 §2, 4-10-1989]

The City Council shall have the authority to amend, supplement, reclassify, change, modify, or repeal by ordinance the text or map of the Zoning Code in accordance with the provisions of this Article. Amendment, supplement, reclassification, change, modification or repeal may be initiated by resolution of intention by the Planning and Zoning Commission or City Council or by verified application of one (1) or more of the owners or authorized representatives of the owners of the property within the area proposed to be changed. Such resolution of intention or verified application shall hereinafter be referred to as the "proposed zoning amendment"

Section 11. That Chapter 400, of the Municipal Code of the City of Overland is hereby amended by the adoption of a new **Section 400.740 Authority of City Council**, to read as follows;

Section 400.740 Authority of City Council.

The City Council shall have the authority to amend, supplement, reclassify, change, modify, or repeal by ordinance the text or map of the Zoning Code in accordance with the provisions of this Article. Amendment, supplement, reclassification, change, modification, or repeal may be initiated by:

- 1) Resolution of intention by the Planning and Zoning Commission or City Council; or**
- 2) By verified application of one (1) or more of the owners or authorized representatives of the owners of the property within the area proposed to be changed; or**
- 3) A proposed amendment initiated by City Staff.**

Such resolution of intention, or verified application, or proposed amendment initiated by City Staff shall hereinafter be referred to as the "proposed zoning amendment".

Section 12. That Chapter 400, of the Municipal Code of the City of Overland is hereby amended by the repeal of **400.745 Requirements**, which reads as follows, in its entirety;

Section 400.745 Requirements.

[CC 1976 App. A §12.02; Ord. No. 2449 §1, 11-14-1988; Ord. No. 2478 §2, 4-10-1989; Ord. No. 2003-11 §1, 2-24-2003]

A. *Resolution Of Intention.* Whenever a proposed zoning amendment is initiated by a resolution of intention of either the Planning and Zoning Commission or City Council, the resolution shall be filed with the City Clerk with a copy to the Director of Public Works and contain the following information:

1. In the case of textual changes, the proposed new text indicating existing text to be deleted and new text to be added.
2. In case of a Zoning Map change, the locator number of the property or other definite designation.

B. *Verified Application.* Whenever the proposed zoning amendment is initiated by verified application, the application shall be filed with the City Clerk with a copy to the Director of Public Works and contain the following:

1. In the case of textual change, the proposed new text indicating existing text to be deleted and new text to be added.
2. In the case of Zoning Map change, the application shall include:
 - a. A legal description and locator number of the property.
 - b. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
 - c. The name and address of the petitioner.
 - d. The petitioner's interest in the property, and if the petitioner is not the owner, the name and address of the owner(s) and the written consent of the owner(s).
 - e. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
 - f. The present and proposed zoning designation and reasons for the proposed change.
 - g. A complete list of the names and addresses of all property owners of record as of the date of filing the application within three hundred (300) lineal feet (exclusive of streets, alleys and other rights-of-way) of any point of the property, including

those property owners across street rights-of-way and railroad rights-of-way.

An application for either a text amendment or rezoning shall comply with and be in accordance with the format and procedures governing the same as adopted by the Planning and Zoning Commission. In all cases where an application is initiated by a verified application, the application shall be accompanied by a fee of one hundred fifty dollars (\$150.00).

Section 13. That Chapter 400, of the Municipal Code of the City of Overland is hereby amended by the adoption of a new **400.745 Requirements**, to read as follows;

Section 400.745 Requirements.

A. **Resolution Of Intention. Whenever a proposed zoning amendment is initiated by a resolution of intention of either the Planning and Zoning Commission or City Council, the resolution shall be filed with the City Clerk with a copy to the Director of Community Development and contain the following information**

1. **In the case of textual changes, the proposed new text indicating existing text to be deleted and new text to be added.**
2. **In case of a Zoning Map change, the locator number of the property or other definite designation.**

B. **Verified Application. Whenever the proposed zoning amendment is initiated by verified application, the application shall be filed with the City Clerk with a copy to the Director of Community Development and contain the following:**

1. **In the case of textual change, the proposed new text indicating existing text to be deleted and new text to be added.**
2. **In the case of Zoning Map change, the application shall include:**
 - a. **A legal description and locator number of the property.**
 - b. **A scaled map of the property, correlated with the legal description, and clearly showing the property's location.**
 - c. **The name and address of the petitioner.**
 - d. **The petitioner's interest in the property, and if the petitioner is not the owner, the name and address of the owner(s) and the written consent of the owner(s).**

- e. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
 - f. The present and proposed zoning designation and reasons for the proposed change.
 - g. A complete list of the names and addresses of all property owners of record as of the date of filing the application within three hundred (300) lineal feet (exclusive of streets, alleys, and other rights-of-way) of any point of the property, including those property owners across street rights-of-way and railroad rights-of-way.
- C. Initiated by City Staff. Whenever a proposed zoning amendment is initiated by City Staff, the proposed zoning amendment shall be presented to the Planning and Zoning Commission at the next available Planning and Zoning Commission meeting for consideration. The proposed zoning amendment shall contain the following:
- 1. In the case of textual changes, the proposed new text indicating existing text to be deleted, if any, and new text to be added.
 - 2. In the case of a Zoning Map change, the locator number of the property or other definite designation and the current zoning and proposed zoning designation.

An application for either a text amendment or rezoning shall comply with and be in accordance with the format and procedures governing the same as adopted by the Planning and Zoning Commission. In all cases where an application is initiated by a verified application, the application shall be accompanied by a fee of two hundred fifty dollars (\$250.00).

Section 14. That Chapter 400, of the Municipal Code of the City of Overland is hereby amended by the repeal of **Section 400.955 Composition — Terms — Vacancy — Removal**, which reads as follows, in its entirety;

Section 400.955 Composition — Terms — Vacancy — Removal.

There is hereby established within and for the City a Planning and Zoning Commission which shall consist of not more than fifteen (15) nor less than seven (7) members, including the Mayor, if the Mayor chooses to be a member; a member of the City Council selected by the Council, if the Council chooses to have a member serve on the Commission; and not more than fifteen (15) nor less than five (5) citizens appointed by the Mayor and approved by the City Council. 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 a membership shall be filled for the unexpired term by appointment as aforesaid. The City Council may remove any citizen member for cause stated in writing and after public hearing.

Section 15. That Chapter 400, of the Municipal Code of the City of Overland is hereby amended by the adoption of a new **Section 400.955 Composition — Terms — Vacancy — Removal**, to read as follows;

400.955 Compositions—Terms—Vacancy—Removal.

There is hereby established within and for the City a Planning and Zoning Commission (the “Commission”). The Mayor, with the consent and approval of the City Council, shall appoint members to the Commission in accordance with this Section. The Commission shall have the duties as prescribed in the ordinances of the City and the statutes of the State of Missouri. Membership, term, and vacancies shall be dealt with as follows:

A. *Membership.* There is hereby established within and for the City a Planning and Zoning Commission which shall consist of up to a total of nine (9) members, which shall consist of the following:

- 1. The Mayor, if the Mayor chooses to be a member within thirty (30) days of taking office.**
- 2. A City Council member selected by the City Council, if the City Council chooses to have a member serve on the Commission; provided, however, if the City Council does not select a member to serve on the Commission, the City Council may select a member to attend the Commission meetings and report back to the City Council, provided that such City Council member shall not be a Commission member nor count toward quorum of the Commission; and**
- 3. Seven (7) citizen members appointed by the Mayor and approved by the City Council. The Mayor shall endeavor to select citizen members that are representative of the community.**

B. *Term.* 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. The term of the Mayor, if the Mayor chooses to be a member, shall be four (4) years, said term to coincide with the term of the office of the Mayor. The term of the City Council member, if the City Council chooses to have a member serve on the Commission, shall be one (1) year, said term to coincide with the General Municipal Election, so that the City Council shall decide whether the City Council shall have a member serve on the Commission at the first regular City

Council meeting following the General Municipal Election or as soon thereafter as practicable.

C. Vacancy. Any vacancy in a citizen membership shall be filled for the unexpired term by appointment by the Mayor and consent of the City Council. Any vacancy in the Council member shall be filled for the unexpired term by appointment as aforesaid.

D. Removal for Cause. The City Council may remove any citizen member for cause stated in writing and after a public hearing before the City Council.

Section 17. All other provisions of the Zoning Code not amended herein shall remain in full force and effect.

Section 18. This Ordinance shall be in full force and effect from and after its date of passage and being signed as provided by law.

This Ordinance passed and approved this 13th day of May 2024.

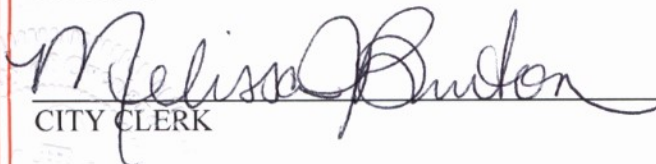


MAYOR

May 13, 2024

Date of Approval

ATTEST:



CITY CLERK