Christian County Commission

September 04, 2008

Convene

Presiding Commissioner John Grubaugh called the meeting of the County Commission to order at 9:00 a.m. on September 4, 2008 at the County Commission Office. Attendance: John Grubaugh, Present: Bill Barnett, Present: Tom Huff, Present. County Clerk, Kay Brown is taking the minutes.

9:00 a.m. Bid Opening for Propane for Common 1 Road District

Those present for the meeting were Commission Secretary Julia Maples, Common 2 Road District Supervisor, Brent Young, Scott Crabtree, and Tim O'Connell.
The Commission opened one bid from Hood's Propane for propane for $ 214.9 per gallon guarenteeed for 3,000 and the total cost is $ 6447.00.

Motion/Vote - Accept Bid for Propane

Eastern Commissioner Tom Huff made a motion to accept the bid from Hood's Propane for $ 214.9 per gallon guarenteeed for 3,000 gallons, total cost $ 6447.00. Bill Barnett seconded the motion. The motion passed by vote: John Grubaugh (Yes), Bill Barnett (Yes), Tom Huff (Yes).

9:15 a.m. Bid Opening for Asphalt for Common 1 and Common 2 Road Districts

Those present for the meeting were the Commission Secretary Julia Maples, Common 2 Road District Supervisor, Brent Young, Lou Lapaglia, Scott Crabtree, and Tim O'Connell.
The Commission opened two bids from the following companies for asphalt for Common 1 and Common 2 Road Districts.

Blevins Asphalt Construction Co., Inc.	Asphalt at the plant $ 62.00 surface mix Black Base at the plant $ 52.00
APAC-MO, INC.	Asphalt at the plant $ 62.00 surface mix Asphalt laid $ 62.50

Motion/Vote - Accept the Bid for Asphalt for Common 1 and 2 Road Districts

Eastern Commissioner Tom Huff made a motion to accept the bid from Blevins for $ 62.00 for surface mix and $ 52.00 for black base at the plant and APAC asphalt laid at $ 62.50. Bill Barnett seconded the motion. The motion passed by vote: John Grubaugh (Yes), Bill Barnett (Yes), Tom Huff (Yes).

9:30 a.m. Bid Opening for Scanner/Imaging System for Assessor

Those present for the meeting were Commission Secretary, Julia Maples, Deputy Assessor, Marian Matthews Common 2 Road District Supervisor, Brent Young, and Lou Lapaglia.
The Commission opened two bids from the following companies for a Scanner /Imaging System for the Assessor's Office.

Copy Products Inc.	Scanner	$ 4,000.00
DISC Company	Scanner	$ 4,495.00 with 1 year maintenance and hot swap replacement to effect any needed repairs .

The Assessor will review the bids and will make a recommendation to the Commission at a later date .

10:00 a.m. Planning and Zoning --Unified Development Codes

Those present for the meeting were Steve Childers, Ozark City Administrator, County Counsel, John Housley, David Stokely, Steve Brown from Great River Engineering, George Van Hoesen, Robert S. Parham, Sonya L. Wells, Teresa Hicks, Andy Arndt, Robert Snook, Roy Matthews, Donna Osborn, Lou Lapaglia, Allen F. Bishop, Ozark Mayor Don Watts and Spencer Jones arrived later.

The UDC proposed changes were passed out to the County Commission and all those present.

Section 3-10-3 Tier 1 Urban Service Area in Nixa and Ozark.

This code change was presented by Steve Childers, Ozark City Administrator. There was much discussion and concerns over the land divisions happening in Tier 1 areas that are not immediately serviceable by the cities. Members of the Planning and Zoning Commission present indicated an understanding of the possible problem and agreed to attempt to address it in the near future.

Bob Atchley of Planning and Zoning reiterated that a combination of paragraph b & c in Section 3-10-3 currently the code states that in Tier 1 and Tier 2 a minimum of 10 acre lots are allowed. The code change would allow less than 10 acres in tier 2 but not less than 3 acre lots.

MOTION/VOTE (4) Section 3-10-3 Standards for Subdivision& Development Within a Tier 1 USA
Western Commissioner, Bill Barnett made a motion to approve Section: 3-10-1, 3-10-2, 3-10-3, and 3-10-4 option and refer it back to Planning and Zoning to make a code change in section B and C of 3-10-3. The Commission will send a letter requesting the Planning and Zoning Department review the verbiage , combine paragraphs b and c, and make the necessary changes. Eastern Commissioner, Tom Huff seconded the motion. The motion passed by: John Grubaugh (Abstained), Tom Huff (Yes) and Bill Barnett (Yes).

(7) Road Standards Asphalt
The Planning and Zoning Department, for the past three years, has requested that the County amend the UDC codes to require all new subdivisions to require asphalt as the County's road standard. There was discussion about

Western Commissioner, Bill Barnett responded that the taxpayers are the ones that are paying for the increased maintenance of chip and seal roads.

MOTION/VOTE Road Standards Asphalt Roads
Western Commission Bill Barnett made a motion that the Commission accept the recommendations of the Planning and Zoning board for all new subdivision in the County to require asphalt. The motion died for lack of a second.

MOTION/VOTE OTO Plan
There was discussion of the OTO plan of the major thoroughfare plan.
Western Commission Bill Barnett made a motion to adopt the OTO Plan for the North South Corridors. Eastern Commissioner, Tom Huff seconded the motion. The motion passed by: John Grubaugh (Yes), Tom Huff (Yes) and Bill Barnett (Yes).

Section 4-50 Unified Development Review Process-- Amendments in General
The Planning and Zoning Commission in an effort to streamline code changes have extensively gone through Chapter 4 of the code. The Commission was in agreement with the changes with the exception of Section 4-53 subsection D dealing with the time period. It was discussed that the UDC code revision should not be held just on an annual basis but to allow the need for fast review on those items that should be amended in a timely manner.

MOTION/VOTE Section 4-50 Unified Development Review Process Section 4-52 Planning and Zoning Commission and County Commission Consideration of Proposed Amendments and (11) Section 4-54 Notice of Public Hearing
Western Commission Bill Barnett made a motion to approve the changes contained in these sections. Eastern Commissioner, Tom Huff seconded the motion. After much discussion Eastern Commissioner, Tom Huff withdrew his second and Bill kept his motion but decided to table his motion to the next UDC meeting scheduled for September 11, 2008.

MOTION/VOTE Chapter 22 Section 22-40 (13) and Section 4-10 (14) Tower Regulations
Eastern Commissioner, Tom Huff made the motion to accept the changes in the verbiage for Tower Regulations to read "All new telecommunications towers shall include a position on the tower and a location in the equipment room for Christian County emergency service antennas and equipment at no cost to Christian County (Refer to Section 22-20). "by the Planning and Zoning Department and the Building Inspections Department. When applying for a land use permit, the applicant shall be required to inquire with the Building Inspection Department and obtain the necessary permits if needed. Though in some instances a permit will be required by one of the department, both departments are required to sign the Certificate of Occupancy." Western Commissioner Bill Barnett seconded the motion. The motion passed by: John Grubaugh (Yes), Bill Barnett (Yes) and Tom Huff (Yes).

Section 4-38 Certificate of Occupancy
This change is an update in the code to include the Building Inspections Department.

MOTION/VOTE Section 4-38 Cerficate of Occupancy
Eastern Commissioner Tom Huff made the motion to accept the change in verbiage in Section 4-38 (15) and Western Commissioner Bill Barnett seconded the motion. The motion vote passed by: John Grubaugh (Yes), Bill Barnett (Yes) and Tom Huff (Yes).

Section 4-38 Childcare Facilities in Relationship to Registered Sex Offenders
The Planning and Zoning Commission are requesting that the Commission enact an ordinance to deal with sex offenders making it a law not a code change.

Adjourn the UDC Meeting

The Commission adjourned the UDC meeting until Thursday, September 11th, 2008 at 10:00 a.m. in room 208.

Signatures

John Grubaugh/Presiding Commissioner

Christian County Commission
Review of the Planning and Zoning Commission recommended changes of the Unified Development Codes
September 4, 2008

On July 7, 2008 The Planning and Zoning Commission voted 13-0 to send the approved recommendations, which the Planning and Zoning Commission approved, to the County Commission for their consideration.

Chapter Three – Urban Service Areas
New proposal for 2008 UDC changes

(1) _____ SECTION 3-10: PURPOSE

♦♦♦ *(P&Z voted 13-0 to approve on June 16, 2008.)*

Continued growth in Christian County and its incorporated communities creates a need for increased coordination between County and City Governments resulting in better management and control of land use and development. Designating, maintaining, and enhancing areas for ~~of~~ urban development in a thoughtful and deliberate way involve s ~~cooperation in~~ coordinated land use, ~~planning~~, transportation, and natural resource planning~~, and implementation of growth management policies~~ between governmental entities. Concentrating urban ~~development~~ land uses and densities in areas specifically designated for such development affords greater efficiency in the delivery of ~~such~~ services such as a potable water, stormwater management, sanitary sewer, street right-of-way maintenance, design specifications, and right-of-way maintenance and management. Coordinated planning efforts also present a measure of predictability to landowners and residents concerning where future public services will be provided and urban ~~development~~ level land use densities will be permitted.

Recognition of Community Comprehensive Plans and USA's

Traditional zoning ordinances create various districts with different use standards to accomplish the segregation of incompatible land uses. The Unified Development Codes accomplish this purpose with use permits and performance standards based on absolute and relative policies. Consequently, the Christian County development codes create only one district, which includes all of Christian County. The Christian County Planning and Zoning Commission recognizes the adopted Comprehensive Plans and Urban Services Areas (USA) Tier one, two, and three that have been approved by the incorporated communities within Christian County. ~~The Applicant/Developer will contact the appropriate municipality's staff in order to allow for the provision of a review and feedback on all proposals located within the designated Urban Services Area.~~ Therefore, where the cooperation between Christian County and it's incorporated communities is authorized by the constitution and laws of the State of Missouri, it is determined by this Planning and Zoning Commission that for the purposes of:

1. Establishing effective ~~means of joint planning and management of urbanization;~~ coordination procedures between Christian County and it's municipalities regarding the urbanization of rural areas;
2. Assuring that local and regional comprehensive plans are followed;
3. Assuring that urban development densities occur only as urban level facilities and services are able to be provided;
4. Assuring that urban development occurs only within and/or adjacent to the incorporated areas within the County;
5. Assuring that property owners serviced by ~~public infrastructure is~~ municipal services agree to annexed said properties into the ~~municipalities~~ corporate limits of the municipality once the property in question becomes compact and contiguous to said municipality for the purpose of assuring the affordable and effective maintenance of public improvements; and
6. Assuring that ~~urban~~ land use and development in the vicinity of an incorporated community does not negatively impact road and storm drainage systems and said public improvements follow the most recent design guidelines for such public improvements; and

That the standards, ~~procedures,~~ definitions, and ~~regulations~~ procedures set forth in this Chapter shall promote increased coordination and result in better management of urban level development for the purpose of achieving a more healthy and sustainable Christian County.

(2) _____SECTION 3-10-1: DEFINITIONS

♦♦♦ *(P&Z voted 13-0 to approve on June 16, 2008.)*

Urban Service Area (USA)

An area ~~adjacent, but~~ outside, of an incorporated community's city limits in which a comprehensive land use ~~plan~~ and infrastructure master plan has been adopted for the purpose of effectively managing ~~development~~ land use in a sustainable manner by applying sound planning principals to land use decisions. ; and where each incorporated community considers to be that area where the greatest local level of public investment for installation and/or maintenance of capital improvements existing or is planned in the next 1-5 years. The USA boundary shall consist of planning "Tiers" one, two, and three based on adopted comprehensive master plans. ~~identify said community's public infrastructure service boundaries as "Tiers," based on the ability of the community to provide public infrastructure such as water and sewer services.~~

~~The Christian County Planning and Zoning Commission will follow the Tier One and Tier Two service areas for Land Use zoning.~~

Tier One: Urban Service Area
An area where the incorporated community can, is willing, or intends to annex and ~~provide in the immediate future, public water and sewer infrastructure for property deemed appropriate for urban level development~~ offer access to public water and sewer infrastructure for property deemed appropriate for urban level development. (Generally a 1-5 year plan).

Tier Two: ~~Service Area~~ Rural/Low Density Planning Area
~~The~~ An area ~~outside of the USA boundary~~ beyond Tier 1 that a city recognizes in their comprehensive land use plan but that is not ~~currently serviceable~~ within reasonable proximity to be serviced by public water and sewer infrastructure without significant off site private assistance. This area, although ~~is~~ in advance of urban level development proposals, ~~but~~ shall require Christian County decision makers to refer to ~~existing~~ local and regional plans prior to approving development proposals.

~~Urban Reserve Area (URA)~~ Tier Three: Extended Planning Area (Agricultural)
An area ~~adjacent to but~~ beyond ~~the USA boundary, encompassing both~~ Tier One and Tier Two ~~Service Areas,~~ that ~~shall not be subdivided into lots of record less than ten acres in size. Although~~ is recognized in a community's comprehensive plan as a future urbanized area where public services will be provided at a later date. ~~, the establishment of the URA boundary preserves the ability to achieve urban level densities through further subdividing property anticipated to become the community's City Limits. Development proposals within the URA must follow the same procedures as if the property were in the USA, and each development proposal will be evaluated based on its compliance with the incorporated community's comprehensive plan.~~ Generally, it is assumed that this area will not be developed within the immediate 10-years with urban level densities due to the lack of urban level public services such as water and sewer. The Christian County Planning and Zoning Commission shall evaluate development proposals within this Tier to ensure compliance with local, county, and regional comprehensive plans.

Irrevocable Consent Agreement to Annexation:
An agreement between a property owner and a municipality which states that a particular parcel of property may connect to available public services as long as the developers of said property agree to follow all municipal development regulations and allow said property to be annexed into the municipality providing public services at such time it becomes contiguous to the corporate limits of that municipality.

(3) _____ SECTION 3-10-2: ESTABLISHMENT OF USA/~~URA~~ BOUNDARIES

♦♦♦ *(P&Z voted 13-0 to approve on June 16, 2008.)*

Any incorporated community wishing to create a USA ~~and/or URA~~ shall meet the following requirements:

1. Have an adopted Comprehensive Land Use and Infrastructure Master Plan
2. Submit a map identifying the geographic boundary of the proposed USA ~~and/or URA along with a written request for USA/URA designation~~ planning tiers 1, 2, and 3 to the Christian County Planning and Zoning Commission.
3. Have the proposed USA boundary approved by the County Planning and Zoning Commission.

~~In order for any USA and/or URA to be established they shall be mutually agreed upon by both the County Planning and Zoning Commission and the incorporated community applying for such designation during a public hearing.~~

(4) _____ SECTION 3-10-3: ~~GENERAL PROVISIONS~~ STANDARDS FOR SUBDIVISION & DEVELOPMENT WITHIN A TIER 1 USA

♦♦♦ *(P&Z voted 13-0 to approve on June 16, 2008.)*

For the purpose of simplifying the development processes Christian County agrees to forward all development proposals within this designated area to the appropriate municipality. Those properties not compact and contiguous which cannot be immediately annexed shall be required to enter into an irrevocable consent to annex agreement, as defined by this Chapter, with the appropriate municipality. All development guidelines, processes, and fees of the municipality shall apply unless otherwise exempted by this section.

A. A request to ~~subdivide and/or~~ develop property within this designated area shall be required to contact the appropriate municipality and follow all policies, procedures, zoning, subdivision, and public improvement design guidelines of said municipality's comprehensive plan, infrastructure design guidelines, and code of ordinances.

B. No Division I, II, or III subdivision application shall be allowed proposing lots of record less than ten (10) acres in size.

C. The Christian County Planning and Zoning Department agrees not to issue new Division I, II, or III land use permits within this designated area unless the exemptions stated in this section exist, or ~~and~~ a written recommendation from the municipality has been provided. Once documentation is obtained, the county planning and zoning department shall proceed with their regular application process.

D. Any property contiguous to a municipality's corporate limits requesting to develop, obtain permits ~~and~~ or connect to public services from said municipality shall first be required to annex the property in question in accordance with State and Local annexation laws.

E. Commercial and Industrial development of property on which an irrevocable consent to annex agreement has been negotiated between the municipality and landowner shall require all structures having property lines within 1320 (a quarter of a mile) linear feet of public services to connect to ~~public water and sewer~~ said services. At such time the property becomes contiguous to a municipality's city limits the city, at its discretion, shall annex said property. The cost of extending public services shall be at the expense of the applicant unless a cost sharing agreement is negotiated with the municipality.

F. Where the USA boundaries of different adjacent municipalities overlap, the municipality willing and able to provide public infrastructure services shall be the jurisdiction to annex or consent to annex said property.

G. Exemptions:

Division I application for ~~New~~ single family residential dwellings that do ~~are~~ not require ~~requesting~~ subdivision of property and the proposed structure is ~~are~~ not within 300 linear feet of an existing public utility shall ~~may~~ obtain a land use and building permit from the appropriate County Departments. ~~in which an individual potable water well and sanitary sewer system may be required~~

~~**A.** Each incorporated community's USA shall constitute that area where the greatest local level of public investment for installation and/or maintenance of capital improvements exist. It shall be that area where the community considers most appropriate for urban level density development. Private sector development within this area should be able to use and benefit from, for the most part, existing or anticipated capital improvement investments.~~

~~**B.** When infrastructure exists or is immediately available for extension in the USA, it is the developer's responsibility to finance said public improvement extensions, in most instances, in the most affordable and cost-effective manner.~~

~~**C.** The incorporated community shall consider annexations within the USA area in compliance with State and local annexation laws.~~

~~**D.** The following guidelines shall apply to all property within a designated Urban Service Area (USA). Existing non-conforming properties and uses shall be exempt from the requirements of this chapter until such time an application requesting a land use change, zoning change, land subdivision, expansion of said non-conforming use, or any other request requiring a permit is formally submitted.~~

~~**1.** If the subject property is contiguous to a municipality's boundaries the County shall direct the petitioner/applicant/property owner to the appropriate municipality for annexation~~

~~**2.** If the subject property is not contiguous to an incorporated area, is within a Tier 1 USA boundary, and is within a reasonable distance (300 feet) from municipal water and sewer service, the County shall direct the petitioner/applicant/property owner to the appropriate municipality for application processing in which the municipality shall require a consent to annex agreement to be signed prior to providing water and sewer services.~~

~~**3.** If the subject property is within a defined Tier 1 USA Boundary, is not contiguous to an incorporated area, and is not within a reasonable distance (300 feet) from municipal water and sewer service from a municipality, the application shall be scored based on Christian County's performance zoning scoring procedures.~~

~~**4.** If the subject property is within a defined Tier 2 URA Boundary, the applicant and/or property owner shall follow all Christian County permitting procedures. The developer shall inform the nearest communities and include, in writing, the positions of those communities regarding the proposed application.~~

~~**5.** Proposed developments within a defined USA or URA shall adhere to the Ozark Transportation Organization (OTO) Major Thoroughfare Plan.~~

~~**6.** Incorporated municipalities reserve the right to not annex any Right-of-way of any County Road until such road is improved to the affected municipality's design standards. Improvements to such County Roads may be made by~~

~~Developer's of land adjacent to the right-of-way; joint projects with the County, City and Developer; or joint projects with the County and the City.~~

~~7. Amendments to any USA and/or URA Boundary will be in accordance with established growth policies of the City and the County comprehensive plans and shall be considered an amendment to this agreement. The USA and URA Boundaries shall be reviewed and updated as necessary and at least once every two years. Request to amend a USA and/or URA boundary may be submitted to the County Planning and Zoning Commission for consideration at any time.~~

~~8. When the guidelines of this chapter require an application to be forwarded to a municipality, the Christian County Planning and Zoning Commission agrees the no property shall be considered grandfathered if the property is proposed to be developed, expanded, or a land use change is proposed. Once this is adopted, any application beyond that has to apply by these regulations and will have to apply to the City or municipality.~~

(5) SECTION 3-10-4: STANDARDS FOR SUBDIVISION & DEVELOPMENTWITHIN A TIER 2 & 3 USA

♦♦♦ ***(P&Z voted 13-0 to approve on June 16, 2008. The changes presented are mainly to add detail to the existing code and to add an exemption for residential homes.)***

1. If the subject property is within a defined Tier 2 or 3 planning area the Christian County Planning and Zoning Department shall follow regular County permitting procedures. Christian County staff shall inform, in writing, the nearest municipality of any application within these designated areas and include the municipality's comments, if any, in the application for Planning and Zoning Commission review.
2. Proposed developments within these designated areas shall comply~~, to the most practical extent,~~ with the Ozark Transportation Organization (OTO) Major Thoroughfare Plan.
3. Proposed developments within these designated areas shall comply~~, to the most practical extent,~~ with local and regional comprehensive plans.
4. Incorporated municipalities reserve the right to NOT annex any right-of-way of any County Road until such road is improved to the affected municipality's design standards, provided, however, if a municipality annexes property contiguous to and on both sides of a County Road then the Municipality shall annex said Road and right of way. Annexation on both sides of a County Road shall not constitute a transfer of right-of-way ownership ~~or~~ and maintenance responsibility of said roadway from ~~one governmental entity to another~~ the County to the annexing municipality. Notwithstanding the foregoing, if a municipality shall annex property contiguous to and on both sides of a Special Road District road said annexation shall not constitute a transfer of right-of-way ownership or maintenance responsibility of said roadway from one governmental entity to another without the written consent of both governmental entities. Improvements to such County Roads may be made by Developer's of land adjacent to the right-of-way; joint projects with the County, City and Developer; or joint projects with the County and the City. This section does not supercede any Intergovernmental Governmental Agreement.

5. Any amendments to this Section, including the USA map, shall be in accordance with established growth policies of both the City and County comprehensive plans.
6. Any proposed amendment to this Section, including the USA map, shall require written notification from Christian County Staff to any City potentially affected by such amendment prior to the approval by both the Christian County Commissioners and Planning and Zoning Commission.

(6) _____Vote to recognize the USA map for the Cities of Ozark and Nixa

♦♦♦ *(P&Z-Voted 6-2 to approve on June 2, 2008.)*

(7) _____Road Standards, Asphalt Roads

Road Standards-The Planning and Zoning Commission feels strongly that asphalt roads are needed to ensure that the county taxpayers do not continue to be burdened with the cost of improvements to insufficient chip and seal roads that are currently being installed.

♦♦♦ ***(P&Z- Voted 6-0 to approve on June 2, 2008. It was felt that the UDC review over the last 3 years upholds the Planning and Zoning Commission's position that asphalt roads are needed. The County adopted the Urban Service Area regulations which currently states internal improvements in developments are required to meet City standards. Listed are the past 2 year comments; <u>2008</u> - it was felt that a re-submittal reinforces the view of the majority of the Planning and Zoning Commission that asphalt roads are important. <u>2007</u>- Vote was 11-0 to approve by Planning and Zoning Commission on July 30, 2007. Research was preformed by Great River Engineer that reflects asphalt road are least expensive after consideration of maintenance. It was the consensus that by improving the standards, the Taxpayer of Christian County will no longer have to pay for the maintenance of chip and seal within the first few years after acceptance of the road.***

(8) _____ *OTO Plan* - Christian County Planning and Zoning Commission UDC Meeting July 30, 2007-John Smith made a motion to approve the North South Corridors. Lou Lapaglia 2nd the motion. The vote was 10 to 1 to approve the North South Corridors. Discussion was held on the environmental impact studies for the Major Thoroughfare Plan. Chairman John View clarified that the Commission only voted to approve the North South Corridors.

♦♦♦ ***(P&Z voted 13-0 to approve on June 16, 2008. Opinion that the OTO corridor has been addressed a year ago and approved and adopted but was failed to be sent down to the County Commission for approval.)***

(9) _____ Unified Development Review process- <u>CODE AMENDMENTS</u>

Section 4-50 <u>Amendments in General</u> - Amendments to the text of these codes may be made in accordance with the provisions of this section. To provide an annual review of the Codes, the Christian County Planning and Zoning Commission shall schedule Unified Development Code meetings in February and/or from time to time as needed as decided by the administrative staff in consultation with the Planning and Zoning Commission Chairman. These meetings shall be devoted to a review of permits issued during the

previous year, to a hearing of public comments on the Codes, and to the initiation of amendments the Planning and Zoning Commission may consider necessary to improve the Codes' performance as a growth-management tool.

♦♦♦ *(P&Z voted 13-0 to approve. It was discussed that the Code revision should not be held just on a yearly bases, but to allow the need for fast review on those items that should to be amended in a timely manner.)*

~~Section 4-51~~ **~~Initiation of Amendments~~**

♦♦♦ *(P&Z-It was felt that all requests must be presented to the Planning and Zoning Commission in the formal hearing process with regulatory notification requirements met. All of this section is to be taken out except A & B which is to be moved to Section 4-50.)*

A. **Administrative Requests** - Whenever a request to amend these codes is initiated by ~~the County Commission, the Planning and Zoning Commission, the Board of Adjustment, or the Planning and Zoning administrator; the planning staff,~~ the Planning and Zoning Commission, in consultation with the county attorney, shall draft an appropriate amendment and present that proposed amendment ~~to the Planning and Zoning Commission~~ for review during a regular public hearing. The Planning and Zoning Commission shall then forward the proposed amendment, and any recommended changes or comments, to the County Commission within thirty (30) days of the public hearing.

B. **Public Requests** - Any other person may also petition to amend these codes. The petition shall be filed with the administrator and shall include, along with any other information deemed relevant by the administrator:

1. The name, address, and phone number of the applicant,
2. A description of the proposed change or a summary of the specific objective of any proposed change in the text of these codes.
3. ~~Upon the setting of a hearing date, the applicant shall provide public notice as provided by Section 4-54, Notice of Public Hearing.~~

~~C. **Receipt of Petition** - Upon receipt of a petition as provided in Subsection (B), the administrator shall either:~~

~~1. Treat the proposed amendment as one initiated by an administrative body and proceed in accordance with Subsection (A) if he believes that the proposed amendment has significant merit and would benefit the general public, or~~

~~2. Forward the petition to the County Commission with or without written comment for a determination of whether an amendment should be drafted and a public hearing set in accordance with Subsection (D).~~

~~D. **Date of Public Hearing** - Upon receipt of a proposed amendment as provided in Subsection (A), the County Commission may establish a date for a public hearing on it. Upon receipt of a petition for an amendment as provided in Subsection (B), the County Commission may summarily deny the petition or set a date for a public hearing on the requested amendment and order the administrator, in consultation with the county attorney, to draft an appropriate amendment.~~

♦♦♦ *(P&Z-These need to be removed due to State Statutes being more restrictive and the County cannot be less restrictive.)*

(10) _____ **Section 4-52 Planning and Zoning Commission and County Commission Consideration of Proposed Amendments** The Planning and Zoning Commission shall review the proposed amendment in a timely fashion so that any recommendations may be presented to the County Commission at the public hearing on the amendment. However, if the Planning and Zoning Commission is not prepared to make recommendations at the public hearing, it may request that the County Commission delay final action on the amendment until such time as the Planning and Zoning Commission can present its recommendations.

~~**Section 4-53 County Commission Consideration of Proposed Amendments**~~

♦♦♦ *(P&Z voted 13-0 to approve. Strike out and move C, D, & E to Section 4-52.)*

~~**A. Referral** - If the County Commission sets a date for a public hearing on a proposed amendment, it shall also refer the proposed amendment to the Planning and Zoning Commission for its consideration.~~

~~**B. Recommendations** - The County Commission need not await the recommendations of the Planning and Zoning Commission before taking action on a proposed amendment, nor is the County Commission bound by any recommendations of the Planning and Zoning Commission that are before it at the time it takes action on a proposed amendment.~~

C. **Actions on Proposed Amendments** - At the conclusion of the public hearing on a proposed amendment, the County Commission may proceed to vote on the proposed amendment, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

D. **Time Period** - The County Commission is ~~not~~ required to take ~~final~~ action on a proposed amendment within ~~any specific period of time~~ 60 days since an ordinance delay can result in Commission~~, but it should proceed as expeditiously as practical on petitions for amendments since inordinate delays can result in the petitioner~~ incurring unnecessary costs.

E. **Voting on Amendments** - Voting on amendments to these codes shall proceed in the same manner as other ordinances.

♦♦♦ *(P&Z-This is to get the amendments on the agenda , do something with it, and let the P&Z Commission know what was done. Then the P&Z Commission can review the changes for consideration to review, revise and re-submittal. After the final P&Z vote on the proposed changes they are limited to 30 days to submit them to the County Commission. This is an attempt to streamline the process and to proceed in a timely manor.)*

(11) _____ **Section 4-54 Notice of Public Hearing**

♦♦♦ *(P&Z voted 13-0 to approve. This proposed amendment is to reflect the above Section to remove the public request for amendments to be presented to the County Commission. They may submit proposed changes to the P&Z Staff to be presented in the regular UDC meetings or may be presented in a timely manner if it is decided if there is a need to be expedited by the Administrator and the Chairman of P&Z Commission. The County therefore will be responsible for the cost of notifying the public.*

A. **Public Hearing Required** - No amendment to any of the provisions of these Codes may be adopted by the County Commission until a public hearing has been held on such amendment.

B. **Newspaper Notice** - ~~The applicant, if the amendment is initiated in accordance with Section 4-51, B—Public Requests, or the designated official, if the amendment is initiated in accordance with Section 4-51, A—Administrative Requests,~~ The Planning and Zoning Staff shall publish a notice of the public hearing. Public hearings of applications shall be preceded by at least one (1) notice, published at least fifteen (15) days before the hearing in the official County newspaper (s). ~~The applicant shall bear the costs of notice publication and shall submit an affidavit of publication as evidence that proper notice has been published.~~

C. **Post Notices** - The planning staff shall post notices of the public hearing and take any other action deemed by the planning staff to be useful or appropriate to give notice of the public hearing on any proposed amendment.

D. **Required Information** - The notice required or authorized by this section shall:
   1. State the date, time, and place of the public hearing,
   2. Summarize the nature and character of the proposed change,
   3. State that the full text of the amendment can be obtained from the Planning and Zoning Department, and
   4. State that substantial changes in the proposed amendment may be made following the public hearing.

E. **Failure to Notify** - The planning staff shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is the County Commission's intention that failure to comply with any of the notice provisions [except those set forth in Subsection (B)] shall not render any amendment invalid.

(Added for reference only)

***Missouri Revised Statutes* Chapter 64 County Planning--Zoning--Recreation--Natural Streams and Waterways Section 64.670 Amendment of regulations--hearings--protests (second and third class counties).**

64.670. The regulations imposed and the districts created under authority of sections 64.510 to 64.690 may be amended from time to time by the county commission by order after the order establishing the same has gone into effect but no such amendments shall be made by the county commission except after recommendation of the county planning commission, or if there be no county planning commission, of the county zoning commission, after hearings thereon by such commission. Public notice of such hearings shall be given in the same manner as provided for the hearing in section 64.550. In case of written protest against any proposed change or amendment, signed and acknowledged by the owners of thirty percent of the frontage within one thousand feet to the right or left of the frontage proposed to be changed, or by the owners of thirty percent of the frontage directly opposite, or directly in the rear of the frontage proposed to be altered, or in cases where the land affected lies within one and one-half miles of the corporate limits of a municipality having in effect ordinances zoning property within the corporate limits of such municipality, made by resolution of the city council or board of trustees thereof, and filed

with the county clerk, such amendment may not be passed except by the favorable vote of two-thirds of all the members of the county commission.

(12) _____ Section 23-45 General Provisions - Item 10 - All advertisement signs shall be designed in accordance with the 2006 International Building Code and the 2005 National Electric Code as adopted by Christian County Order Number 03-13-08-01 and as amended.

♦♦♦ ***(P&Z voted 11-0 to approve. -Change to insure that P&Z or Building Inspection does not issue a permit until the applicant has applied in both departments.)***

(13) _____ Chapter 22 - Tower Regulations

♦♦♦ ***(P&Z voted 10-1 to approve.)***

Section 22-40 Christian County reserves the right to rent space on existing towers for county transmitters, receivers or repeaters. ~~Christian County also holds the option to continue use if a county antenna or other equipment is located on that tower.~~ All new telecommunications towers shall include a position on the tower and a location in the equipment room for Christian County emergency service antennas and equipment at no cost to Christian County (Refer to Section 22-20). ~~The removal bond will be returned to the tower company at that time.~~

(14) _____ Section 4-10 Permits Required - Any land use change, grading, construction, or similar activity that is required to have a permit pursuant to these Codes must post the permit number in a location visible from the public right of way until the activity is completed and / or a Certificate of Use / Occupancy has been issued by the Planning and Zoning department and the Building Inspections department. When applying for a land use permit, the applicant shall be required to inquire with the Building Inspection Department and obtain the necessary permits if needed. Though in some instances a permit will not be required by one of the departments, both departments are required to sign the Certificate of Occupancy. All developments that require a permit pursuant to the Unified Development Codes, must receive a permit prior to receiving utility services. To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of these Codes, Pre-Application consultation between the developer and the planning staff is encouraged or required.

♦♦♦ ***(P&Z voted 11-0 to approve. -Change to insure that P&Z or Building Inspection does not issue a Certificate of Occupancy until the applicant has applied and met the regulations of both departments.)***

(15) _____ Section 4-38 Certificate of Occupancy

♦♦♦ *(P&Z voted 11-0 to approve.)*

A. Certificate of Use / Occupancy Required - No development or approved phase of a development shall be occupied or operated before a Certificate of Use / Occupancy has been issued. The purpose of this certificate is to certify that the development has been constructed in full compliance with all representations made and all conditions imposed in the permit approval. A Certificate of Use / Occupancy shall be issued by Planning and Zoning and the Building Inspection staff only after on-site inspections demonstrate that the development has been constructed as represented and required in its permit approval or a performance bond, escrow account or irrevocable letter of credit has been submitted and made payable to the County Commission (as required in Section 12-25, B - Bond Required). In no case shall a Certificate of Use / Occupancy be issued prior to the Planning and Zoning department receiving an approved final inspection report from Building Inspections Department and ~~use~~ approval of the waste water treatment system, if required.

B. Suspension - A Certificate of Use / Occupancy may be suspended at any time on-site inspections show that any continuing condition of permit approval is not being fulfilled (an example would be failure to maintain healthy plantings in a required buffer area). A written notice of suspension shall be served on the owner or operator of the development, requiring that the development return to compliance with its permit within Thirty (30) days or be vacated. A notice of suspension may be appealed to the Board of Adjustment.

C. Revocation - If a Certificate of Use / Occupancy has been suspended and Thirty (30) days have passed without the development returning or demonstrating diligent efforts to return to compliance with its permit (or filing an appeal that stays further proceedings until it is heard), the Certificate of Use / Occupancy shall be revoked and a notice of revocation served, requiring vacation of the development within ten (10) day.

(16) _____ **Childcare Facilities in Relationship to Registered Sex Offenders** - Comment was taken that the County Commission should look into an ordinance that require daycares to provide documentation from the local sex offender registry on known for sex offenders in the area of the proposed childcare facility. This would be the reverse statutes on sex offenders living moving to a location of a school or daycare.

♦♦♦ *(P&Z voted 11-0 to approve.)*