

FIRST REGULAR SESSION

HOUSE BILL NO. 975

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WASSON.

2293L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 64.860, RSMo, and to enact in lieu thereof two new sections relating to county planning and zoning.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 64.860, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 64.806 and 64.860, to read as follows:

64.806. As an alternative to establishing a county planning commission under section 64.805, the county commission may appoint a county planning commission or replace an existing county planning commission, including a county planning commission that exercises zoning powers under section 64.860, with a county planning commission consisting of the county highway engineer and nine residents of the unincorporated areas of the county. The county commission may select one or more members of an existing county planning commission to continue to serve, or the county commission may select one or more new members. The term of each appointed member shall be four years or until a successor takes office, except that the terms shall be overlapping and the respective terms of the members first appointed may be less than four years. The term of the county highway engineer shall be only for the duration of the engineer's tenure of official position. All members of the county planning commission shall serve as such without compensation, except that an attendance fee as reimbursement for expenses may be paid to the appointed members of the county planning commission in an amount, as set by the county commission, not to exceed twenty-five dollars per meeting. The planning commission shall elect its chairman, who shall serve for one year. At any time after electing to establish a

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **county planning commission under this section, the county commission may revert to**
18 **establishing a county planning commission under section 64.805.**

64.860. The county commission shall provide for the manner in which the regulations,
2 restrictions and boundaries of the districts shall be determined, established and enforced, and
3 from time to time amended, supplemented or changed within the unincorporated territory. In
4 order to avail itself of the zoning powers conferred by sections 64.845 to 64.880 the county
5 commission shall request the county planning commission to recommend the boundaries of the
6 various original districts and appropriate regulations to be enforced therein. If there be no county
7 planning commission the county commission shall appoint a county zoning commission whose
8 personnel, length of terms and organization shall be the same as provided in section 64.805 **or**
9 **64.806** for a county planning commission; and which commission, in third and fourth class
10 counties, may charge and collect a fee for any service it provides, but the fee must be established
11 by order of the county commission. The commission shall make a preliminary report and a
12 proposed zoning order and shall hold public hearings thereon, and shall afford persons interested
13 an opportunity to be heard. A hearing shall be held in each township affected by the terms of the
14 proposed order, public notice of which hearing shall be given in the same manner as provided
15 for the hearing in section 64.815. The notice shall state the time and place of the hearing and the
16 place where copies of the proposed report and proposed zoning order will be accessible for
17 examination by interested parties. The hearings may be adjourned from time to time. Within
18 ninety days after the final adjournment of the hearings the commission shall make a report and
19 submit a proposed order to the county commission. The county commission may adopt the order
20 with or without change or may refer it back to the commission for further consideration and
21 report. In case a written protest against the proposed zoning of any land lying within one and
22 one-half miles of the corporate limits of any municipality having in effect an ordinance zoning
23 property within the corporate limits of the municipality is made by resolution of the city council
24 or board of trustees thereof and filed with the county commission, the county commission shall
25 not adopt the proposed zoning of the land except by record vote of all members and after a
26 statement of the reasons for the action are spread upon its minutes or records. In the preparation
27 of its report and proposed zoning order the commission may incur such expenditures as shall be
28 authorized by the county commission.

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