

SECOND REGULAR SESSION

HOUSE BILL NO. 1484

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SMITH (118) (Sponsor), LIPKE, DIXON, CROWELL,
SCHLOTTACH, STEVENSON AND BISHOP (Co-sponsors).

Read 1st time February 12, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3928L.011

AN ACT

To repeal section 64.725, RSMo, and to enact in lieu thereof one new section relating to township planning and zoning.

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

Section A. Section 64.725, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 64.725, to read as follows:

64.725. 1. As an alternative to the procedures in sections 64.510 to 64.550, the county commission of any county may create a temporary county or [township] **area** planning commission prior to an election to adopt county or [township] **area** planning and zoning. Such planning commission shall prepare a county plan for:

(1) All areas of the county, whether such areas are incorporated or unincorporated, outside the corporate limits of any city, town or village which has adopted a city plan in accordance with the laws of this state; or

(2) Any individual unincorporated [township] **area specified by the county commission**, separate from the rest of the county, which shall affect only that specific [township] **area**.

2. The temporary county planning commission appointed pursuant to subdivision (1) of subsection 1 of this section shall consist of the county highway engineer, and one resident from each [township] **such specified area** of the county appointed by the county commission from the unincorporated area of the county. The temporary [township] **area** planning commission appointed pursuant to subdivision (2) of subsection 1 of this section shall consist of the highway

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

16 engineer, one person appointed by the county commission and three residents of the [township]
17 **specified area** for which the plan is proposed. The members of such planning commission or
18 commissions shall serve until a planning commission is elected by the voters of the county or
19 [township] **specified area**, pursuant to subsection 6 of this section. All members of such
20 temporary planning commission or commissions shall serve without compensation, but shall be
21 reimbursed for their actual and necessary expenses incurred in the performance of their official
22 duties. Such planning commission or commissions shall elect a chair at the first meeting of the
23 year to serve for such year until a new chair is elected. The county highway engineer shall be
24 an ex officio member of such planning commission or commissions.

25 3. Each temporary planning commission may create and adopt rules for the transaction
26 of its business and shall keep a public record of its resolutions, transactions, findings and
27 recommendations. Each commission may appoint such employees as it deems necessary for its
28 work, and may contract with planners and other consultants for such services as it may require,
29 and may incur other necessary expenses. Each commission shall have power to make, adopt and
30 publish a proposal for a master plan of the county or [township] **specified area** for the purpose
31 of bringing about coordinated physical development in accordance with the present and future
32 needs. The master plan shall be developed so as to conserve the natural resources of the county
33 or [township] **specified area**, to ensure efficient expenditure of public funds and to promote the
34 health, safety, convenience, prosperity and general welfare of the inhabitants. Such master plan
35 may include, among other things, studies and recommendations relative to the location, character
36 and extent of highways, railroads, bus, streetcar and other transportation routes, bridges, public
37 buildings, schools, parks, parkways, forests, wildlife refuges, dams and projects affecting
38 conservation of natural resources. Before the adoption of the plan, the commission shall hold
39 at least one public hearing thereon, fifteen days' notice of the time and place of which shall be
40 published in at least one newspaper having general circulation within the affected county or
41 [township] **specified area**, and notice of such hearing shall also be posted at least fifteen days
42 in advance thereof in one or more public areas of the courthouse of the county. Such hearing
43 may be adjourned from time to time. The adoption of the plan shall be by resolution carried by
44 not less than a majority vote of the full membership of the temporary county or [township] **area**
45 planning commission.

46 4. After the temporary county or [township] **area** planning commission has adopted a
47 proposed plan for county or [township] **area** planning and zoning in the county or [township]
48 **such specified area**, the county commission shall submit to the voters of the county or affected
49 [township] **specified area**, the question of whether the county or [township] **specified area**
50 should adopt county or [township] **area** planning and zoning as provided in the proposed plan.
51 Such plan shall be available to the voters at least twenty days prior to the election. A notice

52 stating the place or places and times for examining the plan shall be posted in one or more public
53 areas of the courthouse of the county, and such notice shall be published in at least one
54 newspaper of general circulation in the county or [township] **specified area** at least once a week
55 for three consecutive weeks, the last publication to be twenty days prior to the election.

56 5. The question for the adoption of county or [township] **area** planning and zoning shall
57 be submitted to the voters of the county, or to the voters of the [township] **specified area**,
58 substantially in either of the following forms, depending on whether such ballot is for [township]
59 **area** planning and zoning or for county planning and zoning:

60 (1) For [township] **area** planning and zoning:

61

62 Shall [township] **area** planning and zoning as proposed by the [township] **area** planning
63 commission be adopted in [township] (insert name of [township] **specified area**)?

64 ☐ YES ☐ NO

65 (2) For county planning and zoning:

66

67 Shall county planning and zoning as proposed by the county planning commission be adopted?

68 ☐ YES ☐ NO

69 6. If a majority of the votes cast in a county or [township] **area** on the question of
70 whether the county or [township] **specified area** should adopt county or [township] **area**
71 planning and zoning as provided in the proposed plan are in favor of adopting the plan, then the
72 plan shall become immediately effective in the appropriate county or [township] **specified area**,
73 and an attested copy of the official master plan shall be certified to the county commission, to
74 the recorder of deeds, and to the clerk of each incorporated area covered by the plan or part
75 thereof, [or to the clerk of the appropriate township, if any,] and the temporary county or
76 [township] **area** planning commission shall implement the plan. At the next countywide
77 election:

78 (1) For countywide plans, the voters in each township of the unincorporated area of the
79 county shall elect one member from each township to be a member of the county planning
80 commission; or

81 (2) For [township] **area** plans, the voters in the [township] **specified area** shall elect
82 three members to the [township] **area** planning commission;

83

84 and the county commission shall by order entered of record have the newly elected members of
85 the county or [township] **area** planning commission continue with a program of county or
86 [township] **area** planning and zoning. If a majority of the votes cast on the question of whether
87 the county or [township] **specified area** should adopt county or [township] **area** planning and

88 zoning as provided in the proposed plan are in opposition to adopting the plan, then it shall be
89 at the discretion of the county commission whether to retain or dissolve the temporary county
90 or [township] **area** planning commission established pursuant to subsection 1 of this section.

91 7. The terms of the elected members of the county or [township] **area** planning
92 commission shall be four years or until the member's successor takes office; except that, the
93 terms shall be overlapping and one-half of the members first elected, or if an uneven number
94 one-half plus one, shall be elected for two-year terms and the remaining members shall be
95 elected for four-year terms. The county highway engineer shall be an ex officio member of the
96 county or [township] **area** planning commission. The term of the county highway engineer shall
97 be only for the duration of the engineer's tenure of official position. All members of the county
98 or [township] **area** planning commission shall serve as such without compensation, but shall be
99 reimbursed for actual and necessary expenses incurred in the performance of their official duties.
100 The planning commission shall elect a chair at the first meeting of the year to serve for such year
101 until a new chair is elected. The county or [township] **area** commission shall have all powers
102 granted a county planning commission appointed pursuant to sections 64.510 to 64.695.

103 8. If the county commission does not appoint a temporary county or [township] **area**
104 planning commission as provided in subsection 1 of this section, the voters of the county or of
105 any township may submit a petition, signed by five percent of the number of voters in the county
106 or [township] **specified area** voting at the last gubernatorial election, calling for the appointment
107 of a temporary county or [township] **area** planning commission. Upon receipt of such a petition,
108 the county commission shall appoint a temporary county or [township] **area** planning
109 commission as provided in subsection 1 of this section.