

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1832

AN ACT

To repeal section 72.080, RSMo, and to enact in lieu thereof sixteen new sections relating to a county's governing authority over areas within its territorial boundaries, with penalty provisions and an emergency clause for a certain section.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Section 72.080, RSMo, is repealed and sixteen
2 new sections enacted in lieu thereof, to be known as sections
3 64.1000, 64.1003, 64.1006, 64.1009, 64.1012, 64.1015, 64.1018,
4 64.1021, 64.1024, 64.1027, 64.1030, 64.1033, 64.1036, 64.1039,
5 64.1042, and 72.080, to read as follows:

6 64.1000. 1. Sections 64.1000 to 64.1042 shall be known as
7 the "Missouri County Planning Act".

8 2. Sections 64.1000 to 64.1042 provide for the enactment of
9 plans and regulations in counties for the protection of the
10 public health, safety and welfare, and are not intended to
11 prevent the enactment or enforcement of additional laws and
12 regulations on the same subject which are not in conflict with
13 the provisions of these sections. These sections shall be
14 broadly construed to include any powers that are reasonably
15 expedient to the achievement of these purposes, except such

1 sections shall not be construed to authorize any county
2 commission, county health center board, or planning commission to
3 make or promulgate orders, ordinances, rules, or regulations that
4 would apply to agricultural operations.

5 64.1003. As used in sections 64.1000 to 64.1042, the
6 following terms shall mean:

7 (1) "Agency", a body with the authority to produce public
8 improvements contemplated under the comprehensive plan;

9 (2) "Area plan", a part of a comprehensive plan that
10 provides specific planning and design proposals for a defined
11 geographic area;

12 (3) "Building line" or "building setback line", the line
13 within a property which defines a horizontal distance to be
14 provided between an exterior building wall or building support
15 and the adjacent property line;

16 (4) "Flood plain", an area along a stream or other water
17 course subject to periodic or intermittent flooding, the limits
18 of which are designated on maps by federal, state, or county
19 government based on engineering studies and determinations and
20 adopted by the local legislative authority;

21 (5) "Major street plan", a plan established under sections
22 64.1000 to 64.1042 defining the system of highways, streets, and
23 drainage systems, including any amendments or additions resulting
24 from the approval of subdivision plats and the subsequent filing
25 of such approved plans;

26 (6) "Public improvement", any improvement, facility, or
27 service together with its associated public site or right-of-way
28 necessary to provide transportation, education, park or

1 recreation, drainage, public or private utilities, energy, or
2 other services which benefit the public;

3 (7) "Nonconforming use", a use of any principal or
4 accessory building, structure, or land which was lawfully
5 established but which does not presently conform to the county's
6 land development regulations;

7 (8) "Subdivision", any land, vacant or improved, which is
8 divided or proposed to be divided into two or more lots, parcels,
9 or tracts for the purpose of offer, sale, lease, or development,
10 whether immediate or future. "Subdivision" includes the division
11 of land for residential or nonresidential purposes, whether by
12 deed, metes and bounds description, devise, intestacy, lease,
13 map, plat, or other recorded instrument. "Subdivision" does not
14 include condominiums or the division of land into parcels for
15 cemetery purposes.

16 64.1006. 1. A planning commission may be established by
17 the procedures provided in this section.

18 2. As set forth in sections 64.1000 to 64.1042, any county
19 in this state may make, adopt, amend, and carry out a county plan
20 and any county commission may establish and appoint a planning
21 commission with the powers and duties as set forth in such
22 sections.

23 3. The county commission shall appoint the members of the
24 planning commission, and shall, by resolution, ordinance, or
25 order, establish the procedures for membership, compensation,
26 terms, vacancies, and removal of the planning commissioners. The
27 planning commission shall elect its own chair and shall adopt
28 rules of procedure consistent with sections 64.1000 to 64.1042

1 and any local regulations delegating authority to the planning
2 commission. The planning commission shall appoint a secretary to
3 keep a public record of its resolutions, transactions, findings,
4 and recommendations; schedule and provide notice of all public
5 meetings; and keep records of all public hearings.

6 4. (1) The county planning commission of any county of the
7 first classification shall consist of one of the commissioners of
8 the county commission selected by the county commission, the
9 county highway engineer, both of whom shall serve during their
10 tenure in office, except that in any county of the first
11 classification with more than eighty-two thousand but fewer than
12 eighty-two thousand one hundred inhabitants, such members shall
13 be nonvoting members, and six residents of the unincorporated
14 area of the county who shall be appointed by the county
15 commission.

16 (2) The county planning commission of any county of the
17 second or third classification shall consist of the county
18 highway engineer or head of the highway department, who shall
19 serve during the duration of his or her tenure in office, and one
20 resident of the county appointed by the county commission, from
21 the unincorporated part of each township in the county, except
22 that no such resident shall be appointed from a township in which
23 there is no unincorporated area.

24 5. The planning commission of any county shall have the
25 following powers under sections 64.1000 to 64.1042:

26 (1) To cause to be prepared a comprehensive plan and other
27 associated plans;

28 (2) To review and adopt a comprehensive plan and other

associated plans, and to review and adopt any updates,
amendments, and revisions to such plans;

(3) To recommend regulations and amendments to such
regulations for unincorporated areas of the county for adoption
by the county commission;

(4) To review plat applications in accordance with adopted
subdivision regulations;

(5) To review all public improvements in the county
planning jurisdiction in accordance with the comprehensive plan;

(6) To review and make recommendations to the county
commission regarding zoning regulations, amendments to zoning
regulations, and zoning maps;

(7) To appoint employees and contract with consultants, as
authorized by the county commission;

(8) Other powers delegated to it by the county commission.

64.1009. 1. The purpose of a comprehensive plan is to
guide and accomplish the coordinated, efficient, and orderly
physical development of the county and its environs that will,
based on a careful and comprehensive analysis and after
sufficient public input and review, best promote the public
health, safety, and welfare. Each element of the plan, as
described in subsection 2 of this section, accomplishes this
purpose through analysis of existing conditions and trends,
identification of issues, opportunities, goals, and policies,
development of reasonable projections, forecasts, and assumptions
about anticipated future conditions or impacts, consideration of
interrelationships between plan elements, prioritization of
issues and actions, and preparation of implementation strategies

1 which identify how goals may be achieved.

2 2. The planning commission may determine the applicability
3 to the county of the elements described in this subsection. A
4 comprehensive plan for a county may contain any of the following
5 elements addressing all unincorporated areas of the county and
6 any infrastructure or services the county provides to
7 incorporated jurisdictions in the county:

8 (1) Policies and maps or other description of land
9 classifications to guide current and future development and
10 redevelopment in areas to which the county plan is made
11 applicable, including general locations of future land uses,
12 goals, and characteristics of future development. The land use
13 element may consider the suitability of land for development or
14 redevelopment, including topography, geology, hydrology, natural
15 resources, and any existing site or building conditions;

16 (2) Policies for transportation systems, including their
17 relationship to land use. The transportation element may include
18 a map or maps generally identifying existing, programmed,
19 planned, or potential transportation facilities, and a
20 description of the design, extent, and qualities of these
21 facilities;

22 (3) Policies to provide adequate housing quality and supply
23 to meet forecasted population needs. The housing element may
24 include needed support in achieving a range of housing choices
25 for various discrete or special needs populations;

26 (4) Policies for community facilities to serve the
27 population, including, but not limited to, solid waste management
28 and disposal, water supply, waste water treatment and disposal,

1 electric supply, communication facilities, public safety,
2 schools, libraries, parks and recreation, and other government or
3 quasi-government services. The community facilities element may
4 include an analysis of desired levels of service, and recommended
5 levels of service need not be uniform throughout the county, but
6 may vary based on population characteristics, recommended land
7 uses, or development characteristics;

8 (5) Policies to promote the stabilization, retention, or
9 expansion of the economy and employment opportunities. The
10 economic development element may include analysis, forecasts, and
11 policies related to labor forces, land markets, consumer markets,
12 business sectors, or other applicable economic characteristics;

13 (6) Policies for the identification, utilization, and
14 management of scarce, threatened, or nonrenewable natural and
15 manmade resources in the county, including the risk and impact of
16 natural hazards. The preservation element may identify valued
17 resources, assess the relative importance of those resources, and
18 provide an analysis of actions or strategies that can strengthen
19 the viability of those resources;

20 (7) Policies to ensure the social and physical welfare of
21 the citizens of the county. The human services element may
22 identify sectors of the population that have special needs and
23 may require special services, training, assistance, or facilities
24 to attain an acceptable quality of life, and may identify the
25 role of county government in facilitating or providing such
26 specialized services;

27 (8) Policies regarding the design of public and private
28 development, considering the character, function, impacts, and

1 interrelationship of public and private spaces and buildings,
2 public or common open space, and desired building qualities
3 including scale, mass, architectural features, or other design or
4 aesthetic elements. The community design or urban design element
5 may include general countywide recommendations or recommendations
6 for specific land areas or for specific land use categories or
7 development patterns;

8 (9) Policies regarding the cumulative environmental,
9 economic, fiscal, and social impacts of decisions and actions
10 over the life of the plan. The sustainability element may
11 include, but is not limited to, analysis of development,
12 transportation, and building practices on ecosystems or critical
13 or sensitive resources, and may be conducted on a countywide,
14 ecosystem, watershed, or other similarly comprehensive basis;

15 (10) Any county that prepares a comprehensive plan may add
16 area plans which contain more detailed policies relating to
17 specific land areas, but which shall not conflict with other
18 portions of the comprehensive plan, and may add any other
19 elements, studies, information, or data that the planning
20 commission determines are not in conflict with the purposes of
21 sections 64.1000 to 64.1042.

22 3. (1) After careful study and consideration of the
23 conditions, issues, goals, public input, anticipated future
24 events or conditions, and comprehensive countywide impacts of
25 plans and policies, the planning commission may adopt the
26 comprehensive plan as a whole by a single resolution. Studies
27 and plans for incorporated jurisdictions in the county or any
28 adjoining county may be considered in the findings and analysis,

1 and may be factored into the recommendations of the comprehensive
2 plan for unincorporated areas of the county.

3 (2) The planning commission shall accept and consider oral
4 and written public comments throughout the process of developing
5 the plan. Before the adoption, amendment, or extension of the
6 plan, the planning commission shall hold at least one public
7 hearing in order to encourage public participation in and
8 awareness of the development of the plan. The hearing may be
9 adjourned from time to time.

10 (3) At least fifteen days prior to the date of the hearing,
11 notice of the public hearing shall be published at least once in
12 a newspaper having general circulation within the county. The
13 notice shall also be posted continuously for fifteen days prior
14 to the hearing on a bulletin board or other prominent place which
15 is easily accessible to the public and clearly designated for
16 that purpose at the principal office of the county and also at
17 the location where the meeting is to be held. The notice shall
18 fix the time and place for the hearing and shall describe the
19 topic in general terms. At least fifteen days before the date of
20 the hearing, the plan to be considered at the hearing shall be on
21 file in the office of the planning commission during normal
22 office hours.

23 (4) The adoption of the plan requires a majority vote of
24 the full membership of the planning commission. The adopting
25 resolution shall refer expressly to the maps, descriptive matter,
26 and other materials intended by the planning commission to form
27 the whole or part of the plan. As the making of the whole county
28 plan progresses, the planning commission may from time to time

1 adopt a part or parts of the plan, any part to correspond
2 generally with one or more of the elements of the plan. The
3 action taken shall be recorded as the adopted plan or part of the
4 plan by the identifying signature of the secretary of the
5 planning commission.

6 (5) The adopted plan shall be filed in the office of the
7 planning commission, identified properly by file number. A
8 notice of the plan adoption shall be provided to other agencies
9 and departments as determined by the county commission, and the
10 adopted plan or portion thereof shall be available at the offices
11 of the planning commission and the county clerk for public
12 inspection during normal office hours.

13 (6) A public involvement record shall be attached to and
14 incorporated in the resolution adopting the plan, and shall
15 describe all public participation, notice, and outreach efforts
16 undertaken by the county related to the preparation,
17 consideration, and adoption of the plan.

18 (7) The county commission may review and accept the
19 comprehensive plan by resolution only after a vote of the people
20 as provided in subsection 4 of this section.

21 4. (1) Prior to accepting and implementing the
22 comprehensive plan, the county commission shall submit the
23 question of whether or not it shall accept and implement the
24 comprehensive plan created by the planning commission to the
25 voters residing within the county at a state general, primary, or
26 special election.

27 (2) The ballot of submission for the implementation of the
28 comprehensive plan shall be in substantially the following form:

1 "Shall (insert name of the county) accept and
2 implement the comprehensive plan created by the planning
3 commission authorized under the "Missouri County Planning Act"?".

4 (3) If a majority of the votes cast on the question are in
5 favor of accepting and implementing the comprehensive plan, the
6 county commission may then proceed to accept and implement the
7 comprehensive plan. If a majority of the votes cast on the
8 question are in opposition to the question, the county commission
9 shall not accept and implement the comprehensive plan unless and
10 until the question is resubmitted under this section to the
11 qualified voters and such question is approved by a majority of
12 the qualified voters voting on this question.

13 5. (1) The planning commission may periodically review and
14 amend the comprehensive plan of the county or any part thereof.
15 The review may include discussion of the comprehensive plan
16 during at least one regularly scheduled planning commission
17 meeting. Notice of all review meetings shall be given in the
18 same manner provided in sections 64.1000 to 64.1042 for adoption
19 of the plan. Any interested party shall have the opportunity to
20 comment on the plan during the review.

21 (2) Amendments of an adopted comprehensive plan may be
22 prepared at any time upon the planning commission's initiative,
23 or upon suggestion by the county commission, to revise, update,
24 replace, add, or supplement elements of the plan. Amendments may
25 be prepared for the plan in its entirety or for segments
26 addressing a specific element or elements, or for a specific area
27 of the county.

28 (3) When a comprehensive plan is amended in segments, it

1 shall include a statement indicating specifically what portions
2 of the existing comprehensive plan are being amended and what
3 portions of the existing comprehensive plan are to remain as part
4 of the adopted comprehensive plan.

5 (4) A comprehensive plan amendment is subject to the same
6 procedures provided in sections 64.1000 to 64.1042 for
7 preparation and adoption of the initial comprehensive plan,
8 except that a vote of the people is not necessary for adoption of
9 such an amendment.

10 64.1012. 1. The planning commission may recommend and the
11 county commission may adopt and amend regulations governing
12 subdivisions of land in unincorporated areas to protect the
13 public health, safety, and welfare in accordance with the
14 comprehensive plan. The regulations may provide standards for:

15 (1) The location, width, design, and layout of streets,
16 rights-of-way, and blocks;

17 (2) The width, area, and arrangement of lots, access,
18 easements, and building lines; and

19 (3) The manner in which streets, water, sewer, drainage,
20 and other utility services shall be improved and provided.

21 2. The regulations may provide that in lieu of the
22 immediate completion or installation of such work, the planning
23 commission may accept, at the option of the developer, an escrow
24 secured with cash or an irrevocable letter of credit or a surety
25 bond, all in the amount and with surety and conditions
26 satisfactory to the county commission. Such escrow or bond shall
27 secure the county commission for the actual construction of such
28 improvements and utilities within a period specified by the

1 county planning commission, and the county commission shall have
2 power to enforce such escrow or bond by all proper remedies.

3 3. In the event a developer who has posted an escrow or
4 bond with a county in accordance with subsection 2 of this
5 section transfers title of the subdivision property before full
6 release of the escrow or bond, the county shall accept a
7 replacement escrow or letter of credit from the successor
8 developer in the form allowed in subsection 2 of this section and
9 in the amount of the letter of credit or bond held by the county
10 at the time of the transfer, and the county shall release the
11 original escrow or bond in full and release the prior developer
12 from all further obligations.

13 4. The county commission shall release any escrow or bond
14 held by the county to secure actual construction on a category of
15 improvements or utilities, such as streets, sewer, sidewalks,
16 within thirty days of completion of that category of improvement
17 or utilities. The county shall inspect each category of
18 improvement or utility work for completion within twenty business
19 days after a request for such inspection.

20 5. If the county has not released the escrow or bond amount
21 as set forth in subsection 4 of this section, the county shall
22 pay the owner or developer, in addition to the escrow or bond
23 funds due, interest at the rate of one and one-half percent per
24 month calculated from the expiration of the thirty-day period
25 until full release of the escrow or bond funds. Any owner or
26 developer aggrieved by the county's failure to observe the
27 requirements of this section may bring a civil action to enforce
28 the provisions of this section, and in such action, the court may

1 award the prevailing party the amount of all costs attributable
2 to the action, including reasonable attorneys' fees.

3 6. Prior to adoption or amendment of the subdivision
4 regulations, the planning commission shall hold a public hearing
5 on the proposed subdivision regulations or amendment. At least
6 fifteen days prior to the date of the hearing, notice of the
7 public hearing shall be published at least once in a newspaper
8 having general circulation within the county. The notice shall
9 also be posted continuously for fifteen days prior to the hearing
10 on a bulletin board or other prominent place which is easily
11 accessible to the public and clearly designated for that purpose
12 at the principal office of the county and at the location where
13 the hearing is to be held. The notice shall fix the time and
14 place for the hearing and shall describe such proposal in general
15 terms. A county commission may hold a public hearing, but no
16 separate hearing is required for the adoption or amendment of
17 subdivision regulations by the county commission after receiving
18 the planning commission's recommendation.

19 7. Subdivision regulations shall establish standards for
20 the development of a complete subdivision plat application, and
21 shall designate a person authorized to determine completeness of
22 applications and official acceptance of a plat submitted to the
23 county.

24 64.1015. 1. After the county commission has adopted and
25 filed certified copies of subdivision regulations, no plat of a
26 subdivision of land within the unincorporated area of the county
27 shall be recorded until the plat is approved by the planning
28 commission or as otherwise provided by the adopted subdivision

1 regulations. If the planning commission does not act upon the
2 plat at an official meeting within thirty days from the date of
3 official acceptance, the plat may then be deemed approved. If
4 the plat is amended or rejected by the planning commission, the
5 action may be overruled and the plat approved only by the county
6 commission after a public hearing, provided the reasons for such
7 overruling shall be specifically stated in the action by the
8 county commission.

9 2. Any approved plat with dedication of public lands to the
10 county or any other public body shall be submitted to the county
11 commission, or other jurisdiction receiving dedicated lands, for
12 acceptance of the dedication prior to recording. The acceptance
13 shall be noted on the plat.

14 3. The recorder of deeds shall record a plat of a
15 subdivision of land in the unincorporated area of the county only
16 after having received a certificate of authority from the
17 planning commission secretary, who shall issue such certificate
18 if such plat has been approved under the provisions of sections
19 64.1000 to 64.1042 and the subdivision regulations.

20 4. A county planning commission may, upon the written
21 request of the legislative body of an incorporated area in which
22 there is no municipal planning commission, pass upon subdivision
23 plats within said incorporated areas, and said plats shall be
24 subject to all rules and regulations of the county planning
25 commission and shall not be recorded until they have been
26 approved in the same manner as a subdivision plat in an
27 unincorporated area. If, however, the county planning commission
28 does not agree to pass upon plats in an incorporated area, the

1 county recorder shall be advised of the fact by registered
2 letter.

3 5. The planning commission, after a public hearing, may
4 vacate any plat of a subdivision of land including roads,
5 streets, highways, and alleys located in the unincorporated areas
6 of the county. At such hearing, the commission may require that
7 expert witnesses providing evidence be sworn in so that their
8 statements are statements made under oath. Upon the vacation of
9 the plat, the recorder of deeds shall be notified in writing of
10 the vacation. Any vacation of public lands, rights-of-ways, or
11 easements shall be submitted to the county commission, or other
12 jurisdiction in control of such lands, for approval of the
13 vacation.

14 64.1018. After a planning commission adopts a comprehensive
15 plan of the county or any part thereof, no street, public
16 improvement, or other public facilities, or no public utility,
17 whether publicly or privately owned, where the location, extent
18 and character thereof having been included in the recommendations
19 and proposals of the plan, shall be constructed or authorized in
20 the county until the location, extent, and character thereof has
21 been submitted to and, after review and consideration of the
22 comprehensive plan, approved by the planning commission. In the
23 case of disapproval of the planning commission, the planning
24 commission shall communicate its reasons to the county
25 commission, or if the street, public improvement, public
26 facility, or utility is one which the authorization or financing
27 does not fall under the authority of the county commission, then
28 the reasons shall be communicated to the board having authority

1 over the public facility or utility. The county commission or
2 other agency having jurisdiction, by vote of not less than two-
3 thirds of the entire membership of its governing body, may
4 overrule the disapproval stating the reasons for the overruling.
5 Upon the overruling, the county commission or the appropriate
6 agency or officer may proceed. The failure of the planning
7 commission to act within sixty days after the date of official
8 submission to it shall be deemed approval.

9 64.1021. The planning commission may adopt a major street
10 plan for all unincorporated areas of the county in accordance
11 with a transportation element of a comprehensive plan. The plan
12 may include standards and recommendations for the location,
13 extent, and design of streets, and for building setback lines of
14 streets. The county may, by ordinance, establish building lines
15 on any public street identified in the major street plan. Such
16 building lines shall be established by the same procedure
17 established in sections 64.1000 to 64.1042 for the adoption and
18 amendment of subdivision regulations. After the establishment of
19 any such line, all buildings or other structures shall be
20 erected, reconstructed or substantially repaired as specified by
21 the building lines. The county commission shall appoint an
22 appeals board with the same powers to vary the building lines in
23 specific cases as provided and in the manner specified in
24 sections 64.1000 to 64.1042 for a board of zoning adjustment. If
25 a board of zoning adjustment exists, it shall serve as the
26 appeals board with respect to application of the building lines
27 to specific property.

28 64.1024. 1. Upon the request of the county commission and

1 after a vote of the people as provided in this section, the
2 planning commission may recommend and the county commission may
3 adopt zoning regulations for all unincorporated areas of the
4 county in accordance with the comprehensive plan or any specific
5 area plan created under the comprehensive plan.

6 (1) Prior to adopting zoning regulations as provided for in
7 sections 64.1024 to 64.1042, the county commission shall submit
8 the question of whether or not it shall adopt zoning regulations
9 to the voters residing within the county at a state general,
10 primary, or special election;

11 (2) The ballot of submission for the zoning regulations
12 authorized under sections 64.1024 to 64.1042 shall be in
13 substantially the following form:

14 "Shall ...(insert name of county) adopt zoning regulations
15 authorized under the "Missouri County Planning Act"?";

16 (3) If a majority of the votes cast on the question are in
17 favor of the adoption of county zoning regulations, the county
18 commission may then proceed to adopt zoning regulations
19 authorized under sections 64.1024 to 64.1042. If a majority of
20 the votes cast on the question are in opposition to the question,
21 the county commission shall not adopt zoning regulations
22 authorized under sections 64.1024 to 64.1042 unless and until the
23 question is resubmitted under this section to the qualified
24 voters and such question is approved by a majority of the
25 qualified voters voting on this question.

26 2. Zoning regulations may divide the jurisdiction into
27 districts for different types of buildings, uses of land,
28 character of design, or intensity of development, as may be

1 deemed suited to carry out the purposes of sections 64.1000 to
2 64.1042. All such regulations shall be uniform for each type of
3 building or land uses throughout each district, but the
4 regulations in one district may differ from those in other
5 districts, and may differ for different building types or use
6 types or mixture of use types in a single district. They may
7 also designate special uses within districts with specific
8 conditions or review processes. The regulations shall give
9 reasonable consideration, among other things, to the existing
10 character of the districts, their suitability for particular
11 uses, conservation of the value of buildings and of existing
12 development, and encouragement of the most appropriate use of
13 land throughout the county.

14 3. The regulations may include, but not be limited to,
15 provisions regulating:

16 (1) The kind, class, or form of buildings, including
17 height, bulk, use, location, and design;

18 (2) The use of land and buildings for particular purposes,
19 or classes or categories or mixtures of uses;

20 (3) The density of population or intensity of
21 nonresidential structures;

22 (4) The extent and design of site elements such as parking,
23 landscape, or signs subject to the provisions of sections 226.500
24 to 226.600, RSMo;

25 (5) The design, size, location, and relationship of courts,
26 yards, plazas, natural areas, or other open spaces;

27 (6) The preservation of resources including water or other
28 natural resources, agriculture land, flood plains, or historical

1 structures; and

2 (7) Sexually oriented businesses.

3 4. The regulations shall define the boundaries of zoning
4 districts or any other special area under which the regulations
5 differ from one area to another by incorporating a map or maps as
6 part of the regulations, or by defining the boundaries in any
7 other manner that clearly establishes the boundaries of the
8 district or districts. The county shall designate one map as the
9 official zoning map for the county, which shall indicate all
10 zoning districts, or which may incorporate by reference any
11 specific zoning map or materials which establish regulations for
12 the property. The official zoning map shall be filed in the
13 office of the county clerk or other such public office designated
14 by the county commission.

15 5. The regulations shall designate an individual as the
16 administrative official responsible for interpretation and
17 administration of the zoning regulations.

18 6. Zoning regulations adopted under this section shall not
19 affect the raising of crops, livestock, orchards, or forestry, or
20 to seasonal or temporary impoundments used for rice farming or
21 flood irrigation. As used in this section, the term "rice
22 farming or flood irrigation" means small berms of no more than
23 eighteen inches high that are placed around a field to hold water
24 for use for growing rice or for flood irrigation. Zoning
25 regulations adopted under this section shall not apply to the
26 erection, maintenance, repair, alteration or extension of farm
27 buildings or farm structures used for such purposes in an area
28 not within the area shown on the flood hazard area map, nor shall

1 they apply to underground mining where entrance is through an
2 existing shaft or shafts or through a shaft or other shafts not
3 within the area shown on the flood hazard area map.

4 64.1027. 1. After zoning regulations and districts are
5 adopted by a county commission, the county commission may amend
6 the regulations, map, or districts as provided in this section.
7 Amendments may be initiated by the planning commission, county
8 commission, or a property owner as provided in this section.

9 2. The planning commission shall hold a public hearing on
10 the proposed amendment. At least fifteen days prior to the date
11 of the hearing, notice of the public hearing shall be published
12 at least once in a newspaper having general circulation within
13 the county. The notice shall also be posted continuously for
14 fifteen days prior to the hearing on a bulletin board or other
15 prominent place which is easily accessible to the public and
16 clearly designated for that purpose at the principal office of
17 the county and also at the location where the hearing is to be
18 held. The notice shall fix the time and place for the hearing
19 and shall describe such proposal in general terms. The hearing
20 may be adjourned from time to time, but in the event there are
21 amendments to the zoning map that affect regulations of a
22 specific property, the hearing shall be concluded within sixty
23 days of the commencement of the hearing, unless the county and
24 the property owner agree to extend such deadline. Within thirty
25 days from the conclusion of the hearing, the planning commission
26 shall submit its recommendations to the county commission,
27 together with a written summary of the hearing and how the
28 amendment is in accordance with the comprehensive plan, or if

1 not, justification for the recommendations. Any recommendation
2 shall be by the affirmative vote of a majority of the entire
3 membership of the planning commission.

4 3. The county commission may:

5 (1) Approve the planning commission's recommendations by
6 the adoption of the amendment;

7 (2) Override the planning commission's recommendations or
8 otherwise revise the recommendations by a two-thirds vote of all
9 of the members of the county commission, provided that the
10 reasons for such overruling or revision shall be stated in the
11 action by the county commission; or

12 (3) Return the recommendation to the planning commission
13 for further consideration, together with a statement specifying
14 the basis for the needed further consideration. If the county
15 commission returns the planning commission's recommendations, the
16 planning commission, after considering the same, may resubmit its
17 original recommendations giving the reasons therefore or submit
18 new and amended recommendations. Upon the receipt of any new
19 recommendations, the county commission, by a simple majority of
20 all of the members, may adopt, revise, or override such
21 recommendations. If the planning commission fails to deliver its
22 recommendations to the county commission following the planning
23 commission's next regular meeting after receipt of the county
24 commission's report, the county commission shall consider such
25 course of inaction on the part of the planning commission as a
26 resubmission of the original recommendations and may proceed
27 accordingly.

28 4. After review and consideration of the comprehensive

1 plan, the county commission may, from time to time, change,
2 supplement, or revise the regulations or boundaries of districts
3 according to the procedures in this section. The county
4 commission shall establish in its zoning regulations the matters
5 to be considered when approving or disapproving a request to
6 amend the zoning map.

7 (1) Amendments to the text of the generally applicable
8 zoning regulations may be initiated by the planning commission or
9 county commission. Amendments to generally applicable zoning
10 regulations shall follow the procedures established in this
11 section and any other additional procedures in the approved
12 county zoning regulations.

13 (2) Amendments to the zoning map that affect regulations to
14 a specific property may be initiated by the planning commission,
15 the county commission, or a property owner or property owner's
16 authorized agent. Amendments to the zoning map shall follow the
17 procedures established in this section, any other additional
18 procedures in the approved county zoning regulations, and the
19 following specific procedures:

20 (a) Published notice for any required public hearing shall
21 include a legal description or a general description sufficient
22 to identify the property under consideration. In addition to
23 published notice, written notice of the proposed amendment shall
24 be mailed at least fifteen days before the hearing to all owners
25 of record of real property within the area to be altered and to
26 all owners of record of real property located within at least six
27 hundred feet of the area proposed to be altered, or greater
28 distance specified in the county zoning ordinance;

1 (b) All notices shall include a statement that a complete
2 legal description and application file is available for public
3 inspection and shall indicate where such information is
4 available;

5 (c) Regardless of the recommendation of the planning
6 commission, if a valid protest petition against the amendment is
7 filed in the office of the county clerk within fifteen days after
8 the date of the conclusion of the planning commission public
9 hearing or any additional public hearings required by the county
10 zoning regulations, the amendment shall not be passed except by
11 at least a two-thirds vote of all of the members of the county
12 commission. A valid protest petition requires the signatures of
13 the owners of record of thirty percent or more of the land area
14 of any real property proposed to be rezoned, excluding streets
15 and public ways, or signatures of the owners of record of thirty
16 percent or more of the land area of real property, excluding
17 streets and public ways, within the area required to be notified
18 by this section of the proposed rezoning of a specific property.

19 64.1030. 1. Any county commission which has adopted a
20 zoning map and regulations as provided in sections 64.1000 to
21 64.1042 shall appoint a county board of zoning adjustment. The
22 board shall consist of five residents of the county, but not more
23 than two shall be residents of the incorporated area of the
24 county. The membership of the first board appointed shall serve
25 respectively: one for one year, one for two years, one for three
26 years, two for four years. Thereafter members shall be appointed
27 for terms of four years each. Members shall be removable for
28 cause by the county commission upon written charges and after a

1 public hearing. Vacancies shall be filled by the county
2 commission for the unexpired term of any member whose term
3 becomes vacant.

4 2. The board of zoning adjustment shall have the following
5 powers and it shall be its duty:

6 (1) To hear and decide appeals where it is alleged there is
7 error of law in any order, requirement, decision, or
8 determination made by an administrative official or body in the
9 enforcement or administration of the county zoning regulations;

10 (2) To hear and decide all matters referred to it or which
11 it is required to determine under the zoning ordinance adopted by
12 the county commission as herein provided;

13 (3) To authorize variances where, by reason of exceptional
14 narrowness, shallowness, shape, or topography, or other
15 extraordinary or exceptional situation or condition of a specific
16 piece of property, the strict application of any regulation
17 adopted under sections 64.1000 to 64.1042 would result in
18 peculiar and exceptional difficulties to, or exceptional and
19 demonstrable undue hardship upon, the owner of the property as an
20 unreasonable deprivation of use as distinguished from the mere
21 grant of a privilege. Upon an appeal relating to the property by
22 the owner or person with a real property interest in such
23 property, the board may authorize a variance from the strict
24 application so as to relieve the demonstrable difficulties or
25 hardships, provided the relief can be granted without substantial
26 detriment to the public safety and welfare and without
27 substantially impairing the intent, purpose, and integrity of the
28 zoning map and regulations.

1 3. The board of zoning adjustment shall elect its own chair
2 and shall adopt rules of procedure consistent with the provisions
3 of the zoning regulations and the provisions of sections 64.1000
4 to 64.1042. The chair or the acting chair may administer oaths
5 and compel the attendance of witnesses. All meetings of the
6 board of zoning adjustment shall be open to the public, and
7 minutes shall be kept of all proceedings and official actions,
8 which minutes shall be filed in the office of the board and shall
9 be a public record.

10 4. Appeals to the board of zoning adjustment may be taken
11 by any owner, lessee or tenant of land, or by a public officer,
12 department, board or bureau, affected by any decision of a body
13 or official acting to administer county zoning regulations. The
14 appeals shall be taken within a period of not more than three
15 months of such decision, and in the manner provided by the rules
16 of the board. An appeal shall stay all proceedings in
17 furtherance of the action appealed, unless the officer from whom
18 the appeal is taken shall certify to the board that by reason of
19 facts stated in the certificate a stay would, in the officer's
20 opinion, cause imminent peril to life or property. In exercising
21 the above powers, the board may reverse or affirm wholly or
22 partly, or may modify the order, requirement, decision, or
23 determination appealed from and may take such order, requirement,
24 decision, or determination as ought to be made, and to that end
25 shall have all the powers of the officer from whom the appeal is
26 taken.

27 5. Any owners, lessees, or tenants of buildings,
28 structures, or land jointly or severally aggrieved by any

1 decision of the board of zoning adjustment under the provisions
2 of sections 64.1000 to 64.1042, may present to the circuit court
3 of the county in which the property affected is located, a
4 petition, duly verified, stating that the decision is illegal in
5 whole or in part, specifying the grounds of the illegality, and
6 asking for relief. Upon the presentation of the petition, the
7 court shall allow a writ of certiorari directed to the board of
8 adjustment or the county commission, respectively, of the action
9 taken and data and records acted upon, and may appoint a referee
10 to take additional evidence in the case. The court may reverse
11 or affirm or may modify the decision brought up for review.
12 After entry of judgment in the circuit court in the action in
13 review, any party to the cause may bring an appeal to the
14 appropriate appellate court.

15 64.1033. 1. Any violation of any regulation adopted under
16 the authority of sections 64.1000 to 64.1042 shall be a
17 misdemeanor. Any person with an interest in the property where a
18 violation exists, or any person who knowingly commits, takes part
19 or assists in the violation, may be subject to fines and
20 penalties for other misdemeanors resulting from the same action.
21 Each day of the offense may be considered a separate offense.

22 2. The county commission of any county that has appointed a
23 county counselor and adopts or has adopted rules, regulations, or
24 ordinances under the authority of sections 64.1000 to 64.1042 may
25 by rule, regulation, or ordinance impose a civil fine for each
26 violation. Any fines imposed and collected under such rules,
27 regulations, or ordinances shall be payable to the county general
28 fund to be used to pay for the cost of enforcement of such rules,

1 regulations, or ordinances.

2 3. The county may institute any appropriate action or
3 proceedings to enforce the adopted regulations and to remove
4 violations.

5 4. No owner, or agent of the owner, of any land located
6 within the platting jurisdiction of any county that has adopted
7 subdivision regulations may transfer, sell, agree to sell, or
8 negotiate to sell that land by reference to or by other use of a
9 plat of any purported subdivision of the land before the plat has
10 been approved by the county commission or planning commission and
11 recorded in the office of the appropriate county recorder, unless
12 the owner or agent shall disclose in writing that such plat has
13 not been approved and the sale is contingent upon the approval of
14 such plat by the planning commission or county commission. Each
15 such transfer, sale, or agreement shall be a separate violation,
16 and in addition to all other remedies, a county may enjoin or
17 vacate the transfer or sale or agreement by legal action, and may
18 recover the penalty in such action.

19 5. The county may designate an administrative officer or
20 official with power to cause any land, building, structure, place
21 or premises to be inspected and examined and to order in writing
22 the remedying of any condition found to exist therein or thereat
23 in violation of any of the regulations or orders adopted or made
24 under the authority of sections 64.1000 to 64.1042.

25 6. Any owner, lessee, or tenant who, having been served
26 with an order in writing signed by the zoning administrative
27 official to correct or remove any such violations, shall fail to
28 comply with the order within ten days after service, or who shall

1 continue to violate any of the regulations or orders made under
2 the authority of sections 64.1000 to 64.1042 in the respect named
3 in the order, shall be guilty of a misdemeanor.

4 64.1036. 1. The authority granted by sections 64.1000 to
5 64.1042 shall not be exercised so as to deprive the owner,
6 lessee, or tenant of any existing property of its use or
7 maintenance for the purpose to which it is then lawfully devoted.

8 2. The authority granted by sections 64.1000 to 64.1042
9 shall not interfere with:

10 (1) Such public utility services as may have been or may
11 hereafter be specifically authorized or permitted by a
12 certificate of public convenience and necessity, or order issued
13 by the public service commission, or by permit of the county
14 commission; or

15 (2) Services of a rural electric cooperative organized
16 under chapter 394, RSMo.

17 64.1039. Counties are hereby authorized to enter into
18 agreements to cooperate with any public or private organization,
19 agency, or public body in the exercise and performance of any
20 planning powers, duties, and functions; provided that the subject
21 and purposes of any such agreement shall be within the scope of
22 the powers of such organization, agency, or body.

23 (1) A county may by legislative action or order enter into
24 an agreement with one or more municipalities, counties, agencies,
25 public bodies, or other organizations for joint planning
26 cooperation, and may establish a joint planning committee for the
27 designated joint planning area. The agreement shall specify the
28 extent of authority for the joint planning committee.

1 (2) The county planning commission may adopt plans prepared
2 under cooperative agreements in the same manner as other plans
3 enabled in sections 64.1000 to 64.1042.

4 (3) The county commission may adopt regulations under
5 cooperative agreements in the same manner as subdivision
6 regulations as enabled in sections 64.1000 to 64.1042.

7 64.1042. 1. After August 28, 2008, any county commission
8 may by resolution elect to utilize the authority and procedures
9 in sections 64.1000 to 64.1042 for county planning and
10 implementation.

11 2. Nothing contained in sections 64.1000 to 64.1042 shall
12 affect the existence or validity of a county ordinance or order
13 adopted prior to August 28, 2008.

14 72.080. 1. [Notwithstanding any provision of law to the
15 contrary, and as an alternative to, and not in lieu of, the
16 procedure established in section 80.020, RSMo,] Any
17 unincorporated city, town, [village,] or other area of the state
18 may, except as otherwise provided in sections 72.400 to 72.420,
19 become a city[, town, or village] of the class to which its
20 population would entitle it pursuant to this chapter, and be
21 incorporated pursuant to the law for the government of cities[,
22 towns, or villages] of that class, in the following manner:

23 [(1)] Whenever a number of voters equal to fifteen percent
24 of the [registered voters] votes cast in the last gubernatorial
25 election in the area proposed to be incorporated shall present a
26 petition to the governing body of the county in which such city,
27 town, [village,] or area is situated, such petition shall
28 describe, by metes and bounds, the area to be incorporated and be

1 accompanied by a plat thereof, shall state the approximate
2 population and the assessed valuation of all real and personal
3 property in the area and shall state facts showing that the
4 proposed city[, town, or village, if such village has at least
5 one hundred inhabitants residing in it,] shall have the ability
6 to furnish normal municipal services within a reasonable time
7 after its incorporation is to become effective and praying that
8 the question be submitted to determine if it may be
9 incorporated[;

10 (2) The governing body shall submit the question to the
11 voters if it is satisfied the number of voters signing such
12 petition is equal to fifteen percent of the registered voters in
13 the area proposed to be incorporated.

14 As used in this section, "village" means any small group or
15 assemblage of houses in an unincorporated area, being generally
16 less than in a town or city, or any small group or assemblages of
17 houses or buildings built for dwelling or for business, or both,
18 in an unincorporated area, regardless of whether they are
19 situated upon regularly laid out streets or alleys dedicated to
20 public use, having no minimum number of registered voters in the
21 area, and without regard to the existence of churches, parks,
22 schools, or commercial establishments in that area or whether the
23 proposed village is devoted to community purposes]. If the
24 governing body shall be satisfied that a number of voters equal
25 to fifteen percent of the votes cast in the last gubernatorial
26 election in the area proposed to be incorporated have signed such
27 petition, the governing body shall submit the question to the
28 voters.

1 2. The [governing body] county may make changes in the
2 petition to correct technical errors or to redefine the metes and
3 bounds of the area to be incorporated to reflect other boundary
4 changes occurring within six months prior to the time of filing
5 the petition. Petitions submitted by proposing agents may be
6 submitted with exclusions for the signatures collected in areas
7 originally included in the proposal but subsequently annexed or
8 incorporated separately as a city, town or village, although the
9 governing body shall be satisfied as to the sufficiency of the
10 signatures for the final proposed area. If a majority of the
11 voters voting on the question vote for incorporation, the
12 governing body shall declare such city, town, [village,] or other
13 area incorporated, designating in such order the metes and bounds
14 thereof, and thenceforth the inhabitants within such bounds shall
15 be a body politic and incorporate, by the name and style of "the
16 city of, or "the town of
17, ["the village of
18".] and the first officers of
19 such city[, or town[, or village] shall be designated by the
20 order of the governing body, who shall hold their offices until
21 the next municipal election and until their successors shall be
22 duly elected and qualified. [The city, town, or village shall
23 have perpetual succession, unless disincorporated; may sue and be
24 sued; may plead and be impleaded; may defend and be defended in
25 all courts and in all actions, pleas, and matters whatsoever; may
26 grant, purchase, hold, and receive property, real and personal,
27 within such place and no other, burial grounds and cemeteries
28 excepted; and may lease, sell, and dispose of such property for

1 the benefit of the city, town, or village; and may have a common
2 seal, and alter such seal at pleasure.】 The county shall pay the
3 costs of the election.

4 3. In any county with a charter form of government where
5 fifty or more cities, towns and villages have been incorporated,
6 an unincorporated city, town or other area of the state shall not
7 be incorporated except as provided in sections 72.400 to 72.420.

8 4. Any unincorporated area with a private eighteen-hole
9 golf course community and with at least a one hundred acre lake
10 located within any county of the first classification with more
11 than eighty-two thousand but less than eighty-two thousand one
12 hundred inhabitants may incorporate as a city of the class to
13 which its population would entitle it pursuant to this chapter
14 notwithstanding any proposed annexation of the unincorporated
15 area by any city of the third or fourth classification or any
16 home rule city with more than four hundred thousand inhabitants
17 and located in more than one county. If any city of the third or
18 fourth classification or any home rule city with more than four
19 hundred thousand inhabitants and located in more than one county
20 proposes annexation by ordinance or resolution of any
21 unincorporated area as defined in this subsection, no such
22 annexation shall become effective until and only after a majority
23 of the qualified voters in the unincorporated area proposed to be
24 incorporated fail to approve or oppose the proposed incorporation
25 by a majority vote in the election described in subsection 2 of
26 this section.

27 5. Prior to the election described in subsection 2 of this
28 section, if the owner or owners of either the majority of the

1 commercial or the majority of the agricultural classification of
2 real property in the proposed area to be incorporated object to
3 such incorporation, such owner or owners may file an action in
4 the circuit court of the county in which such unincorporated area
5 is situated, pursuant to chapter 527, RSMo, praying for a
6 declaratory judgment requesting that such incorporation be
7 declared unreasonable by the court. As used in this subsection,
8 a "majority of the commercial or agricultural classification"
9 means a majority as determined by the assessed valuation of the
10 tracts of real property in either classification to be determined
11 by the assessments made according to chapter 137, RSMo. The
12 petition in such action shall state facts showing that such
13 incorporation including the real property owned by the
14 petitioners is not reasonable based on the same criteria as
15 specified in subsection 3 of section 72.403 and is not necessary
16 to the proper development of the city or town. If the circuit
17 court finds that such inclusion is not reasonable and necessary,
18 it may enjoin the incorporation or require the petition
19 requesting the incorporation to be resubmitted excluding all or
20 part of the property of the petitioners from the proposed
21 incorporation.

22 6. Any village incorporated under this section in any
23 county of the first classification with more than ninety-three
24 thousand eight hundred but fewer than ninety-three thousand nine
25 hundred inhabitants after August 28, 2007, and before the
26 effective date of this section, shall be subject to and shall
27 comply with all county building codes.

28 _____Section B. Because of the need to protect Missouri

1 citizens' right to choose their form of government, section
2 72.080 of this act is deemed necessary for the immediate
3 preservation of the public health, welfare, peace and safety, and
4 is hereby declared to be an emergency act within the meaning of
5 the constitution, and section 72.080 of this act shall be in full
6 force and effect upon its passage and approval.

7 Section C. If any provision of section 72.080 or the
8 application thereof to anyone or to any circumstances is held
9 invalid, the remainder of section 72.080 and the application of
10 such provisions to others or other circumstances shall not be
11 affected thereby.