

## SECTION 1 - GENERAL PROVISIONS

**1.1 Introduction.** This Ordinance shall be known and may be cited as the Unified Development Ordinance of the City of Lone Jack, Missouri and may be abbreviated as "UDO". It may also be referred to herein as the "Ordinance" or "these regulations."

**1.2 Authority.** This Ordinance is adopted pursuant to the authority granted to the City by Chapters 89 and 445 of the Revised Statutes of the State of Missouri, pursuant to the City's nuisance powers, and pursuant to the City's police powers.

**1.3 Applicability.** This Ordinance shall be effective throughout the corporate limits of the City. Except where otherwise indicated, the provisions of this Ordinance shall apply to the City. Nothing herein shall be construed to preclude the City from adopting and enforcing extraterritorial zoning, planning, subdivision and building regulations pursuant to state law.

**1.4 Purpose.** The purpose of this Ordinance is to regulate and control the development of land and related matters within the City to promote the public safety, health, and general welfare of the community.

**1.5 Relationship to other provisions of the Code.** The use of buildings and land within the City is subject to all other applicable provisions of other City ordinances as well as this Ordinance, whether or not the other provisions are specifically cross-referenced in this Ordinance. Cross-references to the other provisions in this Ordinance are for the convenience of the reader, and the lack of a cross-reference should not be construed as an indication that the other provisions do not apply.

### **1.6 Prohibitions.**

A. No building or structure shall be erected, constructed, reconstructed, moved or altered, nor shall any building, structure or land be used for any purpose except in accordance with the provision of this Ordinance and other relevant City ordinances.

B. No person may use, occupy, or sell any land or building or authorize or permit the use, occupancy, or sale of land or buildings except in accordance with all of the applicable provisions of this Ordinance.

C. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

**1.7 Effective date.** The provisions of this Ordinance are hereby adopted and become effective on the 18th day of April, 2006.

### **1.8 Development under prior regulations.**

A. Those regulations in effect immediately prior to the effective date of this Ordinance shall be referred to in this Ordinance as the "previous regulations."

B. All permits issued by an administrative official or body, or a legislative body acting in an administrative capacity, prior to the effective date of this Ordinance shall be valid until their expiration under the previous regulations. Applications for administrative permits submitted after the effective date of these regulations shall be reviewed and evaluated pursuant to the requirements of this Ordinance, except as otherwise specified herein.

C. Complete applications for final plat(s) submitted prior to the effective date of these regulations shall be processed under the previous regulations. Incomplete applications for final plats submitted prior to the effective date of this Ordinance, and that are not submitted in a complete form until after the effective date of this Ordinance, shall be processed under this Ordinance. All applications for subdivision approvals submitted after the effective date of these regulations shall be reviewed pursuant to these regulations. Preliminary or final plat applications, approved under the previous regulations, that are allowed to lapse or expire will be subject to reapplication under these regulations.

D. Existing uses may continue either in compliance with these regulations or as legal non-conforming uses. Applications for proposed new uses submitted after the effective date of this Ordinance shall be considered pursuant to these regulations.

E. All nonconforming situations and uses shall be governed by Section 10.

**1.9 Severability.** It is the City's intention that the sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, the unconstitutionality or invalidity shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses or phrases of this Ordinance since the same would have been enacted without the incorporation into this Ordinance of the unconstitutional or invalid section, subsection, paragraph, sentence, clause or phrase. The Board of Aldermen hereby declares that it would have adopted this Ordinance and each, section, subsection, sentence, clause and phrase hereof irrespective of the fact that any one or more other, sections subsections, sentences, clauses and phrases be declared unconstitutional.

**1.10 Fees.** The amount of the application fees charged shall be established by the City of Lone Jack Schedule of Fees and Charges, as amended. Fees so established shall be paid upon submission of a signed application or notice of appeal.

**1.11 Zoning Administrator.** Unless otherwise designated by the Board, the Codes Administrator and City Clerk shall serve as the Zoning Administrators (referred to herein in the singular form). The Zoning Administrator shall have the responsibility and authority to administer and enforce the provisions of this Ordinance.

## **1.12 Planning and Zoning Commission.**

A. Membership. The previously established Zoning Commission is hereby continued as the Planning and Zoning Commission. It shall consist of nine (9) members including the Mayor of the Board of Aldermen, a member of the Board of Aldermen selected by the Board, and seven (7) citizens appointed by the Mayor and approved by the Board of Aldermen.

B. Terms of Office. The members shall be appointed for four (4) year terms which terms shall be staggered.

C. Vacancies. Vacancies shall be filled by appointment by the Mayor of the Board of Aldermen with approval by the Board of Aldermen for the unexpired term of any member whose term becomes vacant.

D. Removal. Members of the Planning and Zoning Commission may be removed by the Board of Aldermen for cause stated in writing and after a public hearing.

E. Officers. The Planning and Zoning Commission shall elect its Chairman and Secretary from among the citizen members. The terms of Chairman and Secretary shall be for one (1) year with eligibility for re-election. The Planning and Zoning Commission may also elect for a term of one (1) year, a Vice-Chairman who shall serve in the absence or disqualification of the Chairman.

F. Salary. All members of the Planning and Zoning Commission shall serve without compensation except for such amounts determined appropriate by the Board of Aldermen to offset expenses incurred in the performance of their duties.

G. Procedure. Decisions on all issues brought before the Planning and Zoning Commission shall require a majority vote of the quorum. The Planning and Zoning Commission may adopt rules of procedure. The Planning and Zoning Commission shall hold regular meetings and special meetings as necessary. Any regular monthly meeting of the Planning and Zoning Commission may be omitted, if in the sole discretion of the Chairman of the Planning and Zoning Commission, there are too few items on the agenda to justify the expense of holding the meeting. Other meetings may be designated by the Planning and Zoning Commission or may be called by the Chairman.

H. Powers and Duties. The Planning and Zoning Commission shall have the power and duty to:

1. Make recommendation to the Board of Aldermen on all proposed zoning text amendments and rezoning of property, including conditional use permits;
2. Make recommendations to the Board of Aldermen on all proposed

subdivisions of land;

3. May recommend plans and infrastructure improvement programs, including the financing thereof, to the Board of Aldermen;

4. Adopt the City's Comprehensive Plan;

5. Perform all other functions pursuant to state law.

### **1.13 Board of Adjustment.**

A. Membership. The previously established Board of Adjustment is hereby continued and shall consist of five (5) members, who shall be appointed by the Mayor and approved by the Board of Aldermen.

B. Term of Office. The terms shall be overlapping five (5) year terms.

C. Alternates. Two (2) alternate members with the same qualifications as members may be appointed by the Chairman of the Board of Aldermen with the approval of the Board of Aldermen, to serve in the absence of or the disqualification of the regular members. Alternate members shall be appointed for terms of three (3) years each.

D. Vacancies. Vacancies shall be filled by appointment by the Mayor with the approval of the Board of Aldermen for the unexpired term of any member whose term becomes vacant.

E. Chairman. The Board of Adjustment shall elect a Chairman from among its members.

F. Removal from Office. Members of the Board of Adjustment may be removed from office by the Board of Aldermen for cause stated in writing and after a public hearing.

G. Salary. All members of the Board of Adjustment shall serve without compensation except for such amounts determined appropriate by the Board of Aldermen to offset expenses incurred in the performance of their duties.

H. Powers and Duties. The Board of Adjustment shall have the power and duty to:

1. Hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of these regulations where it is alleged by the appellant that there is clear error in fact or law in such order, requirement, decision or refusal made by the Zoning Administrator based on or made in the enforcement of these regulations;

2. Hear and decide upon applications for use and area variances in accordance with the provisions of this Ordinance;
3. Hear and decide upon applications for legal non-conforming use;
4. Undertake such other responsibilities as may be required by this Ordinance or by the Board of Aldermen.

I. Procedure. The Board of Adjustment may adopt rules and administrative regulations governing its procedure, and may meet as needed for the transaction of business. The affirmative vote of four (4) members of the Board of Adjustment shall be required to approve any request, application or variance. A quorum of three (3) members of the Board of Adjustment shall be required for a meeting to be held. After the Board of Adjustment has heard an appeal and made a decision, it may, in its sole discretion, refuse, for a period of six (6) months thereafter, to hear an appeal based on a similar application by the same parties for the same property.