

Chapter 400. Administration

Section 400.010. Establishment.

[R.O. 1992 § 400.010; Ord. No. 228 § 709.1, 5-10-1990]

- A. To assist the Board of Aldermen in administering and enforcing the regulations contained in this Chapter, the following are established:
1. A Planning and Zoning Commission, also called the "Commission."
 2. The Office of Zoning Enforcement Officer, also called the "Officer."
 3. A Board of Adjustment also called the "Board."
 4. Procedures for amendments, appeals, permits and variances.
 5. A schedule of fees and penalties.

Section 400.030. Zoning Enforcement Officer.

[R.O. 1992 § 400.030; Ord. No. 228 § 702.3, 5-10-1990]

- A. Appointment. The Zoning Enforcement Officer shall be appointed and a vacancy in this office shall be filled in accordance with Chapter **115** of this Code. Removal shall be in accordance with Section **115.030** of this Code.
- B. Powers And Duties. The Zoning Enforcement Officer or his or her authorized representative shall:
1. Attend all regular meetings of the Board of Aldermen, the Commission and the Board.
 2. Have the right of entry at any reasonable time to cause any building, structure, place or premises to be inspected and examined; the right to order, in writing, the remedying of any condition found therein violating any requirement of these regulations; and the right to issue a stop order by written notice served on any person engaged in doing such work or causing such condition found in violation of these regulations, and such person(s) served shall cease such activity until authorized by the Officer to proceed.
 3. Maintain permanent and current records of all the transactions relative to these regulations, including but not limited to, mapping, meetings, applications, issued permits or other dispositions, and provide an information service for the citizens of Wright City on all matters concerning zoning therein.
 4. Examine all applications, for zoning-related permits and/or for administrative action, and determine if said applications and submissions therewith conform to all provisions of these regulations.
 5. If all provisions of these regulations have been met:
 - a. Have the authority to issue the following zoning permits.

- (1) Building/zoning;
- (2) Temporary use as listed in Subsection **(A)(2)(f)** of Section **400.050** of this Chapter.
- b. Submit such application and its attachments to the proper administrative authority for its determination.
- c. Upon Commission approval, issue the following permits:
 - (1) Conditional use;
 - (2) Exceptional use;
 - (3) Non-conforming use;
 - (4) Temporary use as listed in Subsection **(A)(2)(f)** of Section **400.050** of this Chapter.
 - (5) Transitional area.
- 6. Initiate, direct and review from time to time a study of the provisions of this Chapter and make such reports available to the Planning and Zoning Commission at least annually or more often as directed.
- 7. Initiate and direct for review applications for land use and/or land subdivision.

Section 400.050. Procedures.

[R.O. 1992 § 400.050; Ord. No. 228 § 709.5, 5-10-1990; Ord. No. 353 § I, 3-25-1999; Ord. No. 863 § I, 10-22-2015; Ord. No. 910, 4-27-2017]

A. Application forms shall be available at City Hall for the following:

- 1. Zoning And Text Amendments. The Board of Aldermen may amend the written text of the regulations imposed in the districts created by this Zoning Code (a text amendment) and/or amend the district boundary lines (a "zoning amendment"), provided such amendment conforms to the purpose and intent of the Zoning Code, according to the procedure set forth herein.
 - a. Zoning amendments may be proposed by any citizen, organization or the Board of Aldermen. Text amendments may be proposed only by the Board of Aldermen.
 - b. An application for an amendment shall be filed with the Zoning Enforcement Officer on the appropriate form and accompanied by such information, including the names and current addresses of all property owners within two hundred (200) feet of the property in question, if any, and fee as may be required. The submitted application shall be reviewed by the Zoning Enforcement Officer for completeness and transmitted to the Commission and the Board of Aldermen for their review and action.
 - c. The Board of Aldermen shall conduct a public hearing for each zoning or text amendment application at such time and place as it shall establish and publish in a notice at least once in a newspaper of local distribution not less than fifteen (15) days before such hearing date. For zoning amendments and conditional use permits [Section **400.050(A)(2)(c)**], said notice also shall be mailed to all property owners within two hundred (200) feet of the property in question and shall be posted on the property in question and in one (1) prominent place within the City for a period of one (1) week before the public hearing date.
 - d. The Commission shall make a preliminary report and hold public hearings thereon before submitting its final report and the Board of Aldermen shall not hold its public hearings or take action until it has received the final report of said Commission. Where the purpose

and effect of the proposed amendment is to change the zoning classification of a particular property, the Commission shall consider:

- (1) Relatedness of the proposed amendment to goals and outlines of the City's long-range physical plan;
 - (2) Existing uses of property within the general area of the property in question;
 - (3) The zoning classification of property within the general area of the property in question;
 - (4) The suitability of the property in question to the uses permitted under the existing zoning classifications; and
 - (5) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
- e. In case of a written protest signed and acknowledged by the owners of thirty percent (30%) of the property within one hundred and eighty-five (185) feet of the property in question, such amendment shall not be passed except by a favorable vote of two-thirds (2/3) of the members of the Board of Aldermen.
- f. The Board of Aldermen shall approve or deny the proposed amendment.
- g. Notwithstanding anything to the contrary, no ordinance or other action of the Board of Aldermen shall be invalidated due to the City's failure to strictly comply with any notice requirements of this provision that are in addition and supplemental to those of Section 89.060 of Chapter 89, RSMo., as amended.
2. Permits. The following permits and the procedures for obtaining them are established:
- a. General. Zoning permits shall be a part of the building permit and hereafter referred to as "building permits":
- (1) No building or other structure, no use or reuse of land shall be erected, constructed, reconstructed, moved or demolished, nor shall it be altered without first making application for, paying the required fee and being issued a permit in accordance with the terms of the Zoning Code.
 - (2) No permit is required for farm outbuildings or structures utilized in agriculture operations as defined herein.
 - (3) All permits are subject to conformity to plans, drawings and other submissions, including all information on the application therefor and shall be revoked if found to be out of conformance therewith. No plan alterations, after approval, will be permitted.
 - (4) Nullification clause. In the event any permit issued is not in conformity with the provisions of the Zoning Code, such permit shall be null and void.
- b. Building/zoning. Zoning permits shall be a part of the building permit and hereafter referred to as "building permits":
- (1) Applications shall be filed with the Officer on forms prescribed setting forth the legal description and including a duplicate set of plans drawn to scale and indicating:
 - (a) The shape and dimensions of the land and adjacent rights-of-way;
 - (b) A general description of any existing or proposed buildings or structures, including dimensions, shape and location on the premises;
 - (c) The intended use and its location;

- (d) The location and dimensions of off-street parking and loading spaces and the means of ingress and egress to same;
 - (e) Any other information deemed necessary for consideration in enforcing the provisions of this Chapter.
 - (2) The Officer shall act within thirty (30) days of receiving any permit application. In the event an application does not meet the requirements of the Zoning Code, the Officer shall so notify the applicant, and the applicant may request the decision be reviewed by the Commission. If the Commission upholds the Officer's decision, the applicant may appeal to the Board in accordance with the appeals procedures herein.
 - (3) Each principal building or structure to be constructed, erected or altered shall require a separate permit, except accessory buildings and appurtenances may be included in the permit for the principal building upon payment of additional fee and when construction is simultaneous.
 - (4) Each permit shall be posted upon the premises for which it is issued.
 - (5) A building permit shall expire six (6) months from the date of issuance, at which time the exterior of the building must be completed. If exterior is completed, an extension of up to six (6) additional months will be granted by the Officer for interior work at no additional charge upon application for extension. If exterior is not completed after six (6) months, then an extension (of up to six (6) additional months) can only be granted after review by the Planning and Zoning Commission and with a penalty of twice the normal building permit fee.
 - (6) A permit issued in accordance with this Code may be revoked by the issuing Officer if such Officer finds, prior to the completion of the structure therefor, a departure has been made from the approved plans, specifications and/or requirements or conditions required under the terms of the permit, or the same was issued under false representation, or any other provision of the Zoning Code is being violated.
 - (7) Failure, refusal or neglect of any property owner or his or her authorized representative to apply for and secure a valid permit, including payment of the prescribed fee, shall be reason for ten (10) days' notice for and the subsequent issuance of a stop order by the Officer, said order to be posted on or near the property in question in a conspicuous place, and no further construction shall proceed until compliance is observed and recorded by the Officer.
 - (8) Where building or construction has proceeded without a valid permit, the issuance fee of a subsequent permit shall be increased according to the penalty schedule.
- c. Conditional use.
- (1) Application for a conditional use permit shall be filed with the Officer and transmitted to the Commission on the approved form at least twenty (20) days prior to any regular Commission meeting. Additional submissions may be required, to include a plot plan and other such details necessary to properly assess the suitability of the use within the subject district.
 - (2) The Commission shall conduct a public hearing in accordance with the procedure established in the amendment Section of this Chapter.
 - (3) After public hearing, the Commission may approve or deny said application based on the desirability of said use on that particular site. The Commission may provide approval contingent on acceptance and observance of specified conditions, including but not limited to:
 - (a) Special yards, open spaces, buffer strips, walls, fences, hedges and landscaping;

- (b) Limits on time of day for conduct of specific activities;
 - (c) A period in which the use shall be exercised, or the approval shall lapse;
 - (d) Guarantees as to compliance with the terms of approval.
- (4) The Commission's decision shall be final unless overruled by the Board of Aldermen within thirty (30) days. Should the Board of Aldermen take no action on the Commission decision within thirty (30) days, the inaction shall be deemed an approval.
- d. Exceptional use. The Commission shall review requests for exceptional use permits in accordance with the procedures for conditional use permits, except the applicant shall:
 - (1) Submit to the Officer an application on the approved form, including a statement certifying the applicant is the lawful owner of the land upon which the exceptional use is proposed or he or she has a lawful right to the use thereof if the application is granted.
 - (2) File a declaration of the use to be made by the legal owner if the application is granted. The declaration must provide the land use will be solely that which is stated in the application and if such use is abandoned or is proposed to be changed, the subsequent use shall be in conformity with the zoning restrictions in the underlying district.
 - (3) Submit with the application a plot plan showing the legal dimensions of the tract, location of all proposed improvements and existing structures, grade elevations, setback requirements, location and type of any screening effort, specific plan for restoring the land after the use is abandoned or discontinued and such other items as the Commission shall deem reasonably necessary to properly process the application.
- e. Non-conforming use. Any person or persons, jointly or severally, having a proprietary interest in any building, structure or use non-conforming at the effective date of the Zoning Code, or any amendment thereto, may propose to change said non-conforming use to another of an equal or more appropriate nature to the permitted uses of an underlying district.
 - (1) An application for a certificate of non-conformity shall be submitted to the Officer on the appropriate form.
 - (2) The applicant shall furnish, in writing, all information and/or site plans to scale as may be reasonably required to establish evidence of the equal or more appropriate nature of the proposed non-conformity.
 - (3) The Officer shall issue or deny the certificate within thirty (30) days of filing.
 - (4) If the Officer denies the certificate, the applicant may, within thirty (30) days, request Commission review; said request to be submitted, in writing, to the Commission twenty (20) days prior to its next regular meeting.
- f. Temporary use.
 - (1) An application for a temporary use permit shall be made to the Officer and said permit may be issued by the Officer for a period of not more than sixty (60) days for any of the following uses:
 - (a) Christmas tree sales;
 - (b) Circuses or carnivals;
 - (c) Contractors sheds;
 - (d) Flower vendors;

- (e) Real estate tract and sale offices.
- (2) The following temporary uses require Commission approval prior to permit issuance and may be authorized for a period not to exceed six (6) months:
 - (a) Flea markets;
 - (b) Roadside stands;
 - (c) Amusement parks and arcades;
 - (d) Race tracks (go-carts, motorcycles, cars);
 - (e) All other temporary uses not listed specifically above.
- g. Transitional area. Any land or use facing or adjacent to (either directly or across a public street), or overlapping into, a zoning district permitting uses characteristically different in use or intensity from those of the district in which the subject property or use is located is eligible for its owner or legal agent to apply for a transitional area permit, thereby placing the subject land or use under the jurisdiction of the said adjacent district.
 - (1) Only uses listed as "Permitted" in said adjacent zoning district will be permitted in the transitional area.
 - (2) An application for a transitional area permit shall be filed with the Officer and transmitted to the Commission stating the planned use of the transitional area which may not be subsequently changed unless reapplication is made for the different proposed use.
 - (3) The applicant must submit such plans and profiles as are required in the building/zoning permit Section of this Chapter and such other information and details as are necessary for Commission review.
 - (4) The Commission shall follow the procedures for conditional use permits and shall determine the proposed use would not be detrimental to any properties adjacent thereto.
 - (5) If an application is approved, the applicant will be required to file in the County Recorder's office a covenant stating the use approved and that the property shall not be used for any other purpose unless rezoned or reapplication is made to the City. Proof of recording will be required prior to permit issuance.
 - (6) The effective date of an approved transitional area will be thirty (30) days from the date of Commission approval, and the Official Zoning Map shall be marked with the letters "TA" to indicate those lots so approved.
- h. Uses not listed. The amendment procedure shall be followed for establishing a use not previously identified in the Zoning Code after a determination is made by the Commission based on the following:
 - (1) The recommendation of the Commission to the Board of Aldermen shall be rendered within a reasonable time, not to exceed sixty (60) days from application, and shall include a definition and state the class or classes of districts in which the proposed use will be added and whether it is a permitted, conditional or accessory use.
 - (2) The determination of the use shall be effective upon Board of Aldermen approval, pending a formal amendment.
 - (3) Application shall be made, in writing, but no specific form is required.
- 3. General. In each instance where approval of a use or development of property is made subject to conditions by the Board of Aldermen or Commission, by issuance of a conditional use

permit, exceptional use permit, transitional area permit or variance, a copy of the approval document shall be:

- a. Duly recorded by the property owner(s) prior to the commencement of said use or development; and
- b. Furnished by said property owner(s) to the operator, lessee, tenant or manager and their successors, each of whom shall forward to the Officer an acknowledgement of having read and accepted said conditions to the use or development so affected.