City of Duquesne, Mo

Planning & Zoning Commission Work Session Minutes FINAL

**3.6.2023**

In Attendance: Kerry Divine (April 2021-2024), Rick Gamboa Sec (April 2021-2024), Ray Brown-Chair (Dec 2022-2026), Denny White (Sept 2021-2025), Gary Jackson (Dec-2022-2026), Sherry Lawrence Vice Chair (Dec 2021-2025), Tom Johnston ABSENT (Dec 2019-2023), Courtney Denney (Jan 2023-2027).

**Call to Order:** 6:05 PM by Chairman Brown

**Approve Agenda:** White/Denney 7-0

**Approve Minutes Dated:** Dec 5th, 2023, White/Denney 7-0

**New Business:** Code discussion starting at 404.120. Gamboa asked how the words “excavation” in C are applied or have meaning to this part of the code. Talley said that if you want to do an excavation for a site that you have to apply for a certificate of occupancy. The actual certificate is not issued for the application until all criteria are met and approved by the building inspector. Denney said that in working with builders, the Certificate of occupancy is not issued by the city until all the inspections are passed by the building inspector. Divine thought a site plan had to be provided as well. Divine asked “if a certified Certificate of Occupancy is applied for with a building permit, which is dependent on a site plan Review, can any of those steps be eliminated?” The answer was no. Talley said “site plans” are not required for R-1 or R-2. Talley stated that you apply for a certificate of occupancy when you apply for a building permit. Gamboa asked if we had such an application. It was assumed that the city does have one. Talley said that the Clerk and the building inspector are the people involved in tracking and recording such documents. The records keeping are by the clerk.

404.130 Divine stated that the clerk provided her with 3 maps. Denney had those in her code book, but no other member had them. The mayor made copies and provided them.

404.135 Divine wanted clarification on how this can be applied when it can conflict with 404.020 and 420.050. Gamboa said 404.135 A 1 explains that “Special uses are those types of uses which, due to their nature, are dissimilar to the normal uses permitted within a given zoning district.” Talley said you would not need a special use permit if you were already conforming to the allowed uses. Talley said the P&Z must be careful as they are the biggest safeguard to abuse of this permit, subject to the final decision of the BofA.

Mayor Sherman said that he thought we might be getting off track as these work sessions were originally set up to let the members have a better understanding of the code and answer any questions. He felt we should not wait to explore for example the code dealing with the special use permit until we have a major case come before the committee as occurred recently. Divine said that she thought that is what we were doing. Lawrence said the issue in the past was that we did not have a lot of time to review the request when we got the information at 1:20pm on a Friday for a Monday meeting. She hopes we get better at getting all information and receive it on a timely basis in the future.

404.140 Talley said this code states that if you have other rules or regulations that are less stringent than what this code provides, this code overrules those codes.

404.150 Brown asked what publication we used. The mayor said we use the F Stop, Carthage or Carl Junction papers.

404.155 Brown did not remember any protest occurring. Talley said he could remember one. It was discussed that anyone desiring to amend a zoning boundary or change any regulation, must be present or the request will not be heard. Talley also mentioned that any expenses incurred by the city must be reimbursed to the city by the applicant. Engineering fees for example are a possible expense.

404.160 Divine asked if we had a copy of 89.010 or 89.140. Talley said our entire code is based on those codes. Sherman said the code is available online. Denney asked who the city used for finding code violations. The mayor said we do not have a full-time code enforcement employee. The mayor is the person who handles code violations. Talley said we generally do not pursue penalties in court although we have the option. It would be very expensive for both parties to do so.

We will start at 405.010 in the next meeting.

**Public Comments:** None

**Other Business Deemed necessary:** Divine wanted to know that if the new school at Celebration Church has made proper application. It was decided that they do not need one as they are R-1.

**Schedule next meeting:** Monday April 3rd 6PM

**Meeting Adjourned:** 7pm

Submitted by: Rick Gamboa