



STAFF REPORT

Board of Aldermen

A RESOLUTION DECLARING A NEED TO ADDRESS THOROUGHLY THE PLANNING APPROVAL PROCESS FOR DEVELOPMENTS THAT PROPOSE A PRIVATE UTILITY SYSTEM OR PRIVATE MEANS OFTEN ASSOCIATED WITH PUBLIC SERVICES LIKE ROADS/SIDEWALKS/STORMWATER INFRASTRUCTURE WITHOUT APPROPRIATE MEANS AND MECHANISMS TO SUPPORT THE PRIVATE UTILITY/IMPROVEMENT AND THUS A NINETY (90) DAY ADMINISTRATIVE DELAY ON THE ISSUANCE OF PRELIMINARY PLATS, FINAL PLATS, CONDOMINIUM SPLITS, AND MINOR SUBDIVISIONS INVOLVING PRIVATE UTILITIES/IMPROVEMENTS, COMMON USE PRIVATE UTILITIES, PRIVATE STREETS, AND/OR PRIVATE SIDEWALKS WITH MULTIPLE STRUCTURES (MORE THAN ONE) LOCATED IN THE CITY OF BRANSON, MISSOURI.

DATE: JULY 25, 2023

Initiated By: Planning and Development

Approved By:

Financial Impact: No Impact/Not Applicable

Community Plan 2030: LU-5:Development Codes & Regulations

FACTS:

In the 1960's and 1970's, the City of Branson, Missouri adopted the Utility and Zoning Ordinance, now existing in Chapters 90 and 94 respectively, referred to as the Unified Development Code and Utilities Code. The code was adopted to promote health, safety, morals and a general welfare of the community, including its aesthetic appearance; lessen congestion in the streets; secure safety from fires, panic and other dangers; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; bring about the gradual conformity of the uses of land and buildings throughout the City; facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements; protect and conserve the value of land throughout the City; and provide a policy to efficiently process permits and other applications by the City. It continues to be the City's goal to uphold these values.

More recently, the city has seen a great variety of private development be proposed within the city. An increasing number of developments are utilizing the ability to construct their own utilities and infrastructure to access and use the site. In some circumstances, the private development is not being constructed or used in the same manner as traditional public utilities and infrastructure. Now is a careful and prudent analysis of the City's Code, State regulations, the impact of private utilities and private roadways/sidewalks may have on the health, safety, and general welfare of the City's citizens, and other pertinent information is required by the Board of Aldermen. This analysis will be used to reach an informed decision as to the propriety of such changes to the City's Code and

to successfully draft an ordinance that amends the City Code as to properly promote the health, safety, and general welfare of the City's citizens if such ordinance is found to be necessary after the Board of Aldermen's analysis. A sufficient amount of time will be needed by the Board of Alderman and city staff to implement any needed changes to the city code.

DETAILED ANALYSIS:

The City of Branson is a dynamic place. Before further development and use of private utilities, roadways, and sidewalks are allowed to occur in the City, it is necessary that the Board of Aldermen further examine utility and zoning issues to more properly plan, approve, regulate and control uses of property within the City. It is important that development within the City be managed to promote public safety and encourage the most appropriate use of the land and protect against unhealthy conditions, decreased visibility, and to ensure substantial justice in the quiet enjoyment of homes, businesses, and premises with a reasonable expectation of public services, roads/sidewalks, and utilities, located within the City. A complete and comprehensive designed development requires the Board of Aldermen to examine further the construction and operation of the uses of property within the City and the development of utility and zoning regulations

A ninety (90) day administrative delay is necessary to give the Board of Aldermen time to examine the issues, benefits, and consequences of regulation of the subdivision of land within the City and for regulation of the use of land within the City, and to develop and pass any needed utility, zoning, and development ordinances related thereto, with the caveat that if more time is needed, said administrative delay may need to be further extended. It will be the city's staff's priority to work with any applicants during this time period to minimize any delay in private development within the city.

BACKUP DOCUMENTATION:

No Additional Information