

RESOLUTION NO. {{customfields.ResNumber}}

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.

WHEREAS, in the 1960's and 1970's, the City of Branson, Missouri ("City") adopted the Utility and Zoning Ordinance, now existing in Chapters 90 and 94 respectively, referred to as the Unified Development Code and Utilities Code 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; and

WHEREAS, the Board of Aldermen of the City is considering amendments to the City Code regarding the regulation of preliminary plats, final plats, condominium splits and minor subdivision where the request is for private utilities, common use private utilities, private streets, and/or private sidewalks; and

WHEREAS, 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 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 subsequent to the Board of Aldermen's analysis; and

WHEREAS, the Board of Aldermen has determined that 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; and

WHEREAS, 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; and

WHEREAS, comprehensively 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,

WHEREAS, 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.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, THE FOLLOWING:

- Section 1: From and after the passage and approval of this Resolution, and for a period of ninety (90) days, on any land located within the City of Branson, the City shall issue an administrative delay and shall not issue approval of any 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; unless the subdivision had been previously approved by the City, and all other applicable approvals required to be received before subdivision have been granted, or unless an application has already been received by the City initiating the formal process of securing the approvals necessary to commence such activity at a specific location.
- Section 2: It shall be unlawful, during the administrative delay, for anyone to issue 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).
- Section 3: From and after the passage and approval of this Resolution, and for a period of ninety (90) days, on any land located within the City, the City shall not issue any approval of subdivisions involving private utilities/improvements, common use private utilities, private streets, and/or private sidewalks with multiple structures (more than one).
- Section 4: Nothing in this Section shall be deemed to prohibit the City from seeking any or all alternative relief provided in law or equity, including specifically the City's ability to seek an injunction to preclude a violation hereof.
- Section 5: The provisions of this Resolution are severable and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not

affect the validity of the remainder of this Resolution.

Section 6: This resolution shall be in full force and effect after its passage and approval.

ADOPTED, by the Board of Aldermen of the City of Branson, Missouri, this _____ day of _____, 20____.

Larry D. Milton
Mayor

ATTEST:

Hillary Briand
City Clerk

APPROVED AS TO FORM:



City Attorney