

**SECTION 24001
GENERAL PROVISIONS**

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SECTION 24001: GENERAL PROVISIONS

24001.1 TITLE

Chapter 240 shall be known, cited and referred to as the "Unified Development Code" of Pleasant Hill, Missouri, and may be cited and abbreviated as "UDC."

24001.2 AUTHORITY

- a.** These regulations are adopted pursuant to the authority contained in Sections 89.010 *et seq.* of the Revised Statutes of Missouri and amendments thereto and the Charter of Pleasant Hill, Missouri.”
- b.** Whenever any provision of this chapter refers to or cites a section of the Revised Statutes of Missouri and that section is later amended or superseded, the chapter shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

24001.3 PURPOSES

The land development regulations herein established have been made in accordance with the adopted Comprehensive Plan for the purpose of promoting the health, safety, comfort, convenience, morals and general welfare of the incorporated area of Pleasant Hill City. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable considerations, among other things, of the character of the district and its peculiar suitability for the particular uses and with a view of conserving and stabilizing the value of property and encouraging the most appropriate use of land throughout the community.

24001.4 APPLICABILITY

The provisions of these regulations shall apply to all land, property and development in the incorporated area of Pleasant Hill City except as expressly and specifically provided otherwise in this UDC. No development shall be undertaken without prior authorization pursuant to these regulations.

24001.5 CONSISTENCY WITH COMPREHENSIVE PLAN

- a.** These regulations are intended to implement the goals and policies of the Pleasant Hill Comprehensive Plan and are hereby deemed to be consistent with and in accordance with the adopted Comprehensive Plan for the City. Any amendments to or changes pursuant to such regulations shall be consistent with the Comprehensive Plan as it may be amended from time to time.
- b.** An amendment to the text of these regulations is consistent with and in accordance with the Comprehensive Plan if it complies with the goals and policies stated in the plan, as it may be amended from time to time. An amendment to the zoning map is consistent with the Comprehensive Plan if the map amendment is consistent with the land use diagram contained in the plan as it may be amended from time to time.
- c.** Where development is permitted under the regulations that predate these regulations, such development shall not be deemed inconsistent with the Comprehensive Plan as long as such development conforms to the requirements of Section 24003.26 hereof.

24001.6 COORDINATION WITH OTHER REGULATIONS

- a.** The use of buildings and land within the City shall be subject to all other applicable provisions of the Pleasant Hill City Code as well as these regulations whether or not such other provisions of the Code are specifically cross-referenced in these regulations. Cross references to other provisions of the Code in these regulations are for the convenience of the reader; lack of a cross reference should not be construed as an indication that other provisions of the Code do not apply.
- b.** In interpreting and applying the provisions of these regulations, they shall be construed to be the minimum requirements necessary for the promotion of public health, safety or the general welfare. Minimum values are not intended to be target values. In some instances, topography or other conditions may create the need to exceed stated minimum standards. Whenever these regulations require a lower height of a building or lesser number of stories, or require a greater percentage of the lot to be left unoccupied, or impose more restrictive standards than are required pursuant to any other statute or local regulation, these regulations shall govern.

24001.7 RELATIONSHIP TO PRIVATE RESTRICTIONS

The provisions of the UDC are not intended to affect any deed restriction, covenant, easement or any other private agreement or restriction on the use of land provided that where the provisions of the UDC are more restrictive or impose higher standards than any such private restriction, the requirements of the UDC shall control. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of the UDC, such private restrictions shall control if properly enforced by a person having the legal right to enforce such restrictions; private restrictions shall not be enforced by the City.

24001.8 DEVELOPMENT UNDER PRIOR REGULATIONS

- a. Previously Existing Regulations.** Those regulations in effect immediately previous to the effective date of this UDC shall be referred to in this Section as the "previously existing regulations". The UDC shall be referred to either as "these regulations" or the UDC.
- b. Administrative Permits.** Administrative permits issued prior to the effective date of these regulations shall be valid until their expiration under the previously existing regulations. Applications for administrative permits submitted after the effective date of these regulations shall be reviewed and evaluated pursuant to the requirements of this UDC except as further specified in Section 24003.26 below.
- c. Subdivision.** Complete applications for preliminary plat(s) submitted prior to the effective date of these regulations shall be processed under the previously existing regulations. All applications for subdivision approvals submitted after the effective date of these regulations shall be reviewed pursuant to this UDC. Subdivision development applications approved under the previously existing regulations that are allowed to lapse or expire will be subject to reapplication under these regulations
- d. Zoning.**

 - 1. Existing uses may continue either in compliance with these regulations or as legal non-conforming uses subject to the requirements of Section 24003.26.
 - 2. Existing lots that do not comply with the requirements of these regulations will be allowed to be developed pursuant to the requirements of Section 24003.26.
 - 3. Applications for proposed new uses, as allowed in the previously existing zoning districts and not requiring the subdivision of property, may be submitted and developed pursuant to the previously existing regulations for a period of one (1) year following the effective date of these regulations.

Applications submitted after the one year period or applications that are allowed to lapse or expire and that must be resubmitted will be processed pursuant to this UDC. Building permits issued under this provision may be renewed for a maximum of one year if construction is initiated within one year of adoption of the UDC.

- e. **Special Permits.** The City shall monitor all outstanding special use permits issued under the previously existing regulations and prior to expiration of the existing special use permit, the permit holder may, if required under this chapter, apply for a conditional use permit as set forth in Section 24003.21. A conditional use permit approved by the City Council pursuant to this section shall be authorized in any zoning district.

24001.9 SEVERABILITY

- a. It is the intent of Pleasant Hill City to adopt this Unified Development Code as a legal unit as a part of the Comprehensive Plan for the City.
- b. Should any section, subsection, paragraph, sentence, clause, or phrase of these regulations be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of these regulations.

24001.10 SALE OR USE OF LAND OR BUILDINGS

- a. Subject to Section 24001.8, no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his control except in accordance with all of the applicable provisions of this chapter.
- b. 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.

24001.11 FEES

- a. The fees charged for the various applications and permits shall be as set in Appendix B of the City Code. In no event shall any portion of the filing fee be waived or refunded to the applicant. Any expenditure in excess of the filing fee necessary and incidental to the processing of the application shall be billed to and paid by the applicant. No final action on an application can be taken until such time as all such fees are paid in full.

24001.12 VIOLATION/ENFORCEMENT

- a. Enforcement.** It shall be the duty of the Director and the Director's assistants and the Secretary of the Plan Commission and the Secretary's assistants to enforce these regulations.
- b. Nuisance, Violation of Subdivision Code.** Any land which is subdivided or developed in violation of this Chapter is a threat to the health, safety and welfare of the citizens of Pleasant Hill and is a public nuisance.
- c. Injunction.** The City Attorney is authorized to enjoin the construction of any improvement on or the use of any land subdivided in violation of this Chapter.
- d. Penalty.** Any person who violates any provision of this Chapter commits a City ordinance violation and on conviction shall be sentenced in accordance with Appendix C of the City Code.
- e. Separate Offense.** Each day a violation is in effect shall be considered a separate violation and each violation of this Chapter shall be deemed a separate offense.

24001.13 COMPUTATION OF TIME

Unless otherwise specifically provided, the time within which an act is to be completed is based upon calendar days. All acts must be completed within the time frame specified, subject to extension periods provided herein.

24001.14 VIOLATIONS OF PRIOR REGULATIONS

All violations of prior land use regulations that have accrued in the City as of the effective date of this chapter shall continue to be violations and shall not be considered to be legal nonconforming situations under this chapter. The City shall have the same authority to secure civil remedies for violations of such regulations to the same extent that it may secure civil remedies for violations of the UDC pursuant to Section 24001.12.

24001.15 EFFECTIVE DATE

The provisions of this chapter were originally adopted and became effective on the 23rd day of July, 2018.

