

## **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER 101, ARTICLE II, SECTION 101-69 OF THE NIXA CITY CODE TO MODIFY THE NUMBER OF MEMBERS OF THE PLANNING AND ZONING COMMISSION**

### **Background:**

Section 101-69 of the Nixa City code requires the Nixa Planning and Zoning Commission to consist of 9 citizens of the city at large. The P&Z Commission has been operating with 7 appointed members since March of 2023. In order to meet quorum for the P&Z Commission meetings, there needs to be 5 Commissioners present. The Commission is made up of volunteer members of the City of Nixa. Due to members having other obligations, the Commission very rarely has all members present for a meeting.

### **Analysis:**

The Planning and Zoning Commission has had some turnover this past year. This has caused some of the monthly meetings to be conducted with the minimum number of Commissioners to meet quorum. By reducing the number of members from 9 to 7, it will also lower the quorum requirement from 5 members present to 4 members present.

### **Recommendation:**

Reducing the membership requirement of the Commission to 7 will allow the Commission to hold P&Z meetings with 4 members present. This will ensure that there is no backlog of P&Z items waiting for review by the Commission. Staff recommends approval.

### **MEMO SUBMITTED BY:**

**Scott Godbey** | Director of Planning and Development

sgodbey@nixa.com | 417-725-5850

1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER**  
2 **101, ARTICLE II, DIVISION 2, SECTION 101-69 OF THE NIXA CITY CODE TO MODIFY**  
3 **THE NUMBER OF MEMBERS OF THE PLANNING AND ZONING COMMISSION.**  
4

5  
6 **WHEREAS** at the direction of Mayor Giddens, staff was directed to review the  
7 requirements surrounding membership of the City’s Planning and Zoning Commission;  
8 and  
9

10 **WHEREAS** Section 89.320 RSMo. sets forth the membership requirements of  
11 planning and zoning commissions in the State; and  
12

13 **WHEREAS** said Section requires that a planning and zoning commission shall  
14 consist of not more than fifteen nor less than seven members; and  
15

16 **WHEREAS** the Mayor has requested that a Council Bill be drafted which, if  
17 approved, would reduce the Planning and Zoning Commission’s current membership  
18 from nine to seven; and  
19

20 **WHEREAS** having a smaller Commission will make it more likely that a quorum of  
21 the Commission will be available for meetings and ease the process for filling vacancies  
22 on the Commission; and  
23

24 **WHEREAS** the City Council desires to adopt the amendments contained herein.  
25

26 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**  
27 **NIXA, AS FOLLOWS, THAT:**  
28

29 **SECTION 1:** Chapter 101, Article II, Division 2, Section 101-69 of the Nixa City  
30 Code is hereby amended by repealing said Section in its entirety and adopting in lieu  
31 thereof a new Section, which shall read as follows:  
32

33 (Note: Language to be added is indicated by being underlined. Language to be removed  
34 is indicated by being ~~stricken~~.)  
35

36 Sec. 101-69. Membership and vacancies.  
37

- 38 (a) The commission shall consist of ~~the city engineer as an ex officio member, plus nine~~  
39 seven citizens of the city at large to be known as citizen members. Citizen members  
40 of the commission shall be appointed by the mayor with the approval of the city  
41 council, for a term of four years and until their successors are appointed and qualified;  
42 ~~two~~ The citizen members shall be appointed in November of each year for four-year  
43 terms. Any vacancy in the citizen membership shall be made by appointment, as  
44 aforesaid, at the time such vacancy occurs, for the duration of the unexpired term. No  
45 person shall be sworn into office who shall at the time be in arrears for any unpaid city  
46 taxes or municipal users' fee.

47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87

(b) Vacancies on the planning and zoning commission shall be filled in accordance with subsection (a) of this section.

**SECTION 2:** Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired, or liability incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby.

**SECTION 3:** Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**SECTION 4:** This Ordinance shall be in full force and effect from and after its final passage by the City Council and after its approval by the Mayor, subject to the provisions of section 3.11(g) of the City Charter.

**ADOPTED BY THE COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

ATTEST:

\_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
CITY CLERK

**APPROVED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY