

# Franklin County Planning and Zoning Commission By-Laws

## **Article I – Objectives**

The objectives and purposes of the Planning and Zoning Commission for Franklin County are those set forth in § 64.800 – 64.905 RSMo 1994 and supplements thereto.

## **Article II – Meetings**

### **Annual Meeting**

The annual organization meeting for the nomination and subsequent election of officers and committee members shall be held on the third Tuesday of September each year. A candidate receiving a majority vote of the Commission shall be declared elected and shall serve for one year. Vacancies in officers shall be filled immediately by regular election procedure.

In addition, the Master Plan will be open for discussion.

### **Regular Meetings**

Regular meetings of the Planning and Zoning Commission shall be held on the 3<sup>rd</sup> Tuesday of each month at 7:00pm at the County Government Center of Franklin County located in Union, MO. At such meetings, the Commission shall consider all matters on the agenda brought before the Commission without the necessity of prior notice thereof given to any members. A regular meeting may be canceled or rescheduled due to lack of an agenda.

### **Special Meetings**

Special meetings may be called by the Chairman or by 7 members of the Planning and Zoning Commission. The notice of such meeting shall specify the purposes of such meeting and no other business may be considered except by unanimous consent of the Commission. The department administrative assistant shall notify all members of the Commission in writing not less than five (5) days in advance of such special meeting.

### **Quorum**

Pursuant to Section 23 (a) of the Unified Land Use Regulations of Franklin County, a quorum for the Planning and Zoning Commission shall consist of a majority of the membership (excluding vacant seats). A quorum is necessary for the Commission to take official action.

### **Voting**

At all meetings of the Planning and Zoning Commission, each member attending shall be entitled to cast one vote. Voting shall be by voice or by roll call at the request of any member. In the event that any member shall have a personal interest of any kind in a matter then, before the Commission, they shall disclose their interest and be allowed to abstain from voting in the minutes.

**Notice**

Notice of public hearings shall be given as required by law.

**Records**

A written record shall be kept of those speaking before the Planning and Zoning Commission during public hearings.

**Public Hearings**

All public hearings held by the planning commission must be held as part of a regular or special meeting of the planning commission.

**Proceedings**

At any regular meeting of the Planning and Zoning Commission, the following shall be the regular order of business:

1. Roll Call
2. Approval of Minutes of Previous Meeting
3. Presentation of Hearing Procedures and Exhibits
4. Communication and Visitor's Comments (the Planning and Zoning Commission may allow up to five (5) minutes per visitor)
5. Old Business (Review Committee recommendation from previous meeting)
6. New Business
7. Subdivision Review
8. Planning and Zoning Commissioner's Forum
9. Planning Director's Report
10. Adjournment

The Commission Chairman reserves the right to amend the order of the proceedings.

Any business item that is to be voted on during a regular Commission meeting should be so noted on the agenda. Other items of business will be for discussion purposes only. A Commission Member wishing to discuss an item not on the agenda may do so by approval of the majority of the members present.

Each formal action of the Planning and Zoning Commission shall be entered in full upon the Minute Book after an affirmative vote as provided for in Voting.

**Rule of Procedure**

All meetings for the Planning and Zoning Commission shall be conducted in accordance with "Robert's Rules of Order," unless otherwise noted herein.

When in the case of conditional use permit and subdivision applications, either at the request of any applicant, or when any member of the Planning and Zoning Commission feels for good reason that it would be in the best interest of said applicant to bypass the Review Committee, the following must occur:

- Any member may propose to bypass the Review Committee, and shall make a motion to that effect. Upon a second, and a unanimous vote of all members present, the matter shall be voted on during the “Old Business” portion of that public hearing.
- When the application is then reviewed under the “Old Business” portion of the meeting, the Planning and Zoning Commission shall give careful consideration to the applicant’s proposal, and shall list their finding and make a decision, with or without conditions, based on the findings and conclusions. The decision shall pass with a majority vote.
- In no case shall an application bypass the Review Committee process without the unanimous vote of all members present.

If, in the case of conditional use permit and subdivision applications, any applicant (or their designated representative) shall fail to appear to present their application, the Commission may evaluate the application as submitted.

### **Article III – Officers**

The officers of the Planning and Zoning Commission shall consist of a Chairman and Vice-Chairman. They shall be elected by the Commission at the annual meeting, for a term of one year.

#### **Duties of Officers**

The duties and powers of the officers of the Planning and Zoning Commission shall be as follows:

##### *Chairman*

- To preside at all meetings of the Commission
- To call special meetings of the Commission in accordance with these by-laws
- To sign documents on behalf of the Commission
- To see that all actions of the Commission are properly taken

##### *Vice-Chairman*

- During the absence of the Chairman, the Vice-Chairman shall exercise or perform all the duties and be subject to all the responsibilities of the Chairman.

##### *Chair Pro Tem*

- In the absence of the Chairman and Vice-Chairman, a chair pro tem shall be elected informally by the members present to conduct the meeting once it has been determined that a quorum is present.

## **Article IV – Committees**

### **Review Committee**

A Review Committee consisting of the Chairman, Highway Administrator and one Commission member elected at the annual meeting for one-year terms, shall perform the following duties:

- Review and recommend specific action on all plats on the Commission’s agenda
- Review and recommend specific action on amendments to the by-laws, planning studies and other business items on the agenda
- The Review Committee shall meet on the first Friday after the first Tuesday before the regular Commission meetings (unless rescheduled by the committee members)
- Review Committee actions will be submitted to the Planning and Zoning Commission

### **Review Committee Alternates**

Up to two alternates may be appointed by the Planning and Zoning Commission at the annual meeting for one year terms. These alternates will be called upon when one or more members of the Review Committee cannot attend the Review Committee Meeting. Planning and Zoning staff will call upon the alternates when needed.

### **Special Committees**

The chairman may appoint special committees from among the commission members for purposes and terms provided for by the County Commission.

## **Article V – Public Hearings**

### **Public Comments**

All comments shall be limited to the subject advertised for hearing. In any event, the Commission shall have the privilege to speak first. The presiding officer shall first call for statements from proponents. The opponents shall be given equal opportunity to comment. Each group shall make its presentation in succession without allowing an intermixture of comments pro or con. It shall be made clear that all questions and comments must be directed through the presiding officer.

### **Order**

The presiding officer shall reserve the right to assure an orderly hearing and shall take the necessary steps to maintain the order and decorum of the hearing at all times. The show of hands by those persons in attendance shall be not allowed on any general questions present at the public hearing. The hearing shall be conducted only for the purpose of making testimony to be considered in deliberations of the regular meeting of the Commission.

### **Commission's Option**

In the case of rezoning, the commission may require the applicant of a proposed rezoning to attend in order for questions to be answered prior to making a recommendation to the County Commission. Notification to adjoining property owners would not be required. The Commission may also encourage the County Commission to hold a joint public hearing with the Commission.

- Summary of Case  
A representative from the Planning and Zoning Department shall present, in summary, the recommendations of the Planning and Zoning Commission to the County Commission.

### **Article VI – Vacancies and Absenteeism**

#### **Vacancies**

Should any vacancy occur among the members of the Planning and Zoning Commission by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the County Commission. The Planning and Zoning Commission may recommend a candidate to fill a vacancy to the County Commission.

#### **Absenteeism**

Upon the absence by a Commission member at three regular meetings of the Planning and Zoning Commission in any given calendar year, the Commission may recommend immediate replacement of such member to the County Commission.

### **Article VII – Amending the By-Laws**

These By-Laws may be amended at any meeting of the Planning and Zoning Commission provided that notice of said proposed amendment is given to each member in writing at least five days prior to said meeting. These By-Laws may be amended; by two-thirds vote of the entire membership of the Planning and Zoning Commission.