

**CLAY COUNTY, MISSOURI
PLANNING AND ZONING COMMISSION
BYLAWS**

The Clay County Planning and Zoning Commission (PZC) is constituted by the Missouri State Revised Statutes (RSMo), Chapter 64. While Clay County is considered a first class county, at this time it operates under the rules of a second/third class county, RSMo 64.510-590 and 905-906.

The PZC consists of one member from each of the county's five (5) townships containing a portion of unincorporated area, plus the director of the Clay County Highway Department. Staff support is provided by the Clay County Planning and Zoning Department staff and the County Counselor's office.

A. DUTIES

The Planning and Zoning Commission (PZC) shall have all the powers and duties specifically assigned by RSMo 64.510-590, 905-906 and the Land Development Code of Clay County, Missouri. These shall include the following:

1. *Development and amendments to the Comprehensive Plan.*

The PZC is responsible for developing the Comprehensive Plan of the county. This document shall be a general guideline for future development within the unincorporated areas of the county and may be amended from time to time, as conditions change. The PZC has final decision-making authority on the Comprehensive Plan.

2. *Land Development Code Text Amendments*

The PZC shall be responsible for reviewing Land Development Code text amendments and for making recommendations on revisions to the ordinance to the County Commission.

3. *Zoning Map Amendments*

The PZC shall be responsible for reviewing Zoning Map Amendment applications and for making recommendations on the applications for district changes to the County Commission.

4. *Subdivision of Property*

The PZC shall be responsible for reviewing Subdivision plat applications and for making a recommendation on the division of properties application to the County Commission.

5. *Planned Unit Developments (PUD)/ Conservation Districts (CD)*

The PZC shall be responsible for reviewing PUD/CD Concept Plan and Final PUD/CD Plan and Plat applications and for making recommendations on the applications to the County Commission.

6. ***Conditional Use Permits (CUP)***

The PZC shall be responsible for reviewing Conditional Use Permit applications and for making recommendations on the applications to the County Commissioners.

7. ***Vacation of Streets and Easements***

The PZC shall be responsible for reviewing applications for Vacation of Streets and/or Easement within subdivisions and for making recommendations on the applications to the County Commission.

B. SCHEDULE

1. The number of meetings per month and a schedule of meeting dates shall be established at the beginning of each calendar year. They may be altered or changed at any regularly scheduled meeting.
2. The regular meeting is established to be on the first Tuesday of each month at 6:30 pm in the Clay County Commissioners Hearing Room, Courthouse Square, 3rd Floor, Liberty, Missouri 64068, or such other public place as the PZC may designate.
3. During the months of April through September, the PZC may schedule two regular meetings. The first will be to hear rezoning and preliminary plat applications, PUD, and CUP applications. The second meeting will be to hear Final Plats or Final PUD Plans.
4. Additional meetings may be held at any time by a call of the chair or a majority of the voting members of the PZC or upon request of the Clay County Commission following at least twenty-four (24) hours' notice to each member of the PZC and posting of agenda twenty-four (24) hours in advance.
5. The PZC, at its first regular meeting in February of each year shall elect a chair, a vice-chair and shall also elect a secretary (who need not be an appointed member of the commission).

C. OFFICERS

The duties and powers of the officers of the PZC shall be as follows:

1. *Chair*
 - a. Preside at all meetings of the PZC.
 - b. Call special meetings of the PZC in accordance with the bylaws.
 - c. Sign documents of the PZC.
2. *Vice-Chair*
 - a. During the absence, disability, or disqualification of the chair, the vice-chair shall exercise and perform all the duties and have all the responsibilities of the chair.
 - b. Shall serve the unexpired term of the chair, should the chair vacate the position. The vice-chair shall be elected to the chair position at the next regularly scheduled meeting.
3. *Secretary*
 - a. Keep the minutes of all meetings of the PZC.

- b. Serve all notices required by law or by the bylaws.
- c. Prepare the agenda for all meetings of the PZC.
- d. Be custodian of PZC records.
- e. Inform the PZC of correspondence relating to business of the PZC and attend to such correspondence.
- f. Handle funds allocated to the PZC in accordance with its directives, the law, and county regulations.
- g. File all maps, plats, and other matters required by law to be filed in the office of the County Clerk or Recorder of Deeds as appropriate.

D. QUORUM

- 1. A majority of the members of the PZC entitled to vote shall constitute a quorum for the transaction of business.
- 2. Each member of the PZC who has knowledge of the fact that he or she will not be able to attend a scheduled meeting of the PZC shall notify the secretary at the earliest possible opportunity. In the event a quorum is not expected, the secretary shall notify the chair of the PZC.
- 3. If no quorum is present at the beginning of the meeting, the chair shall convene the meeting and reschedule an alternate date for the meeting to be held. Action on all items shall be deferred until this rescheduled meeting.
- 4. If, during the course of a meeting a quorum ceases to exist, the chair shall discontinue the meeting, set and announce an alternative date for the continuation of the meeting and adjourn the meeting. Action on all items pending at this adjourned meeting shall be deferred until the rescheduled meeting.
- 5. In the event of a death or emergency where no members of the PZC are present, the staff may post a statement of meeting cancellation signed by the chair or vice-chair.

E. CONSIDERATION OF AGENDA ITEMS

The following procedure will normally be observed; however, individual agenda items may be rearranged by the chair, if necessary, for the expeditious conduct of business:

- 1. Chair identifies each case by number and name.
- 2. Staff presents report.
- 3. PZC may ask questions regarding the staff presentation and report.
- 4. Applicant of the agenda item may make a presentation.
- 5. Proponents may make remarks.
- 6. Opponents may make remarks.
- 7. Applicant may rebut any points not previously addressed.
- 8. PZC asks questions it may have of the applicant, proponents, opponents, or staff.
- 9. The chair shall then ask for a motion and the matter shall be placed to a vote of the PZC.

10. Motion shall be made and seconded. Motions in the affirmative shall be placed first. If no affirmative motion is offered, a motion of denial may be made.
11. Discussion of the case is allowed between PZC members and staff.
12. Secretary will call the roll for voice responses.
13. All motions of denial shall contain findings of fact as to why the application is being denied.
14. Chair announces results of vote.
15. Staff contacts the applicant regarding the next step in the subdivision process.
16. Continuance/Dismissal of Applications
 - a. *Continuance by applicant prior to meeting* – An applicant may continue his own proposal to a future regularly scheduled agenda, not to exceed a two (2) month time period, by contacting the Planning and Zoning Department not less than ten (10) days prior to the date of the original hearing date. Where notification by mail of adjacent property owners has taken place, the applicant shall bear the costs of any additional notices sent.
 - b. *Continuance granted at meetings without prior approval* – Any proposal not withdrawn prior to preparation of the agenda ten (10) days prior to the meeting may be continued at the applicant's request only by affirmative vote of three-fourths (3/4) of the members present at the meeting. In consideration of such a motion to allow a continuance, the PZC may question the audience as to the number who have been inconvenienced or incurred expense on the presumption that the item would be heard, and the PZC may refuse to continue the proposal and may proceed with the hearing and take appropriate action. In any case of continuance, it shall be to a regularly scheduled agenda, and only three (3) continuances shall be permitted. The applicant shall bear all costs of any additional notices sent to the interested parties.
 - c. *Dismissal of application* – Should an applicant be unable to go forward with his proposal after the time for continuing such proposal has expired, the PZC may, by affirmative vote of three-fourths (3/4) of the members present at the meeting, dismiss an application with or without prejudice with the reasons for such dismissal stated on the record. If an application is dismissed without prejudice, the applicant may reapply immediately for further consideration of the same request paying all necessary application fees.
 - d. *Applicant not in attendance at regularly scheduled agenda* – In case an applicant or representative is not in attendance with the agenda item is called, the PZC may either take action on the item, dismiss the item with or without prejudice, or continue the item.

F. GENERAL RULES

1. Matters referred to the PZC by the Clay County Commission shall be placed on the calendar for consideration and action at the first meeting of the PZC after such reference.
2. Any member of the PZC who feels that he/she has a direct conflict of interest on any matter that is on the agenda shall voluntarily excuse him or herself and refrain from discussing and voting on said items.
3. The PZC may, by a vote of a majority of a quorum, exclude a Commissioner from voting on an item if it deems that that Commissioner has a direct conflict of interest on that item.
4. Commissioners shall not discuss a pending agenda item with the public at other than a public meeting scheduled by the PZC.
5. In cases where the PZC holds public hearings, the PZC may enter orders governing the procedures to be followed in connection with such hearings. These orders may include such item as the scheduling of hearing dates, filing of exhibits, identification of witnesses, shortening the testimony of witnesses, and directing parties to file proposed recommendations, findings of fact, or conclusions of law.
6. These by-laws and rules may be amended at any meeting by a vote of the majority of the entire membership of the PZC provided three (3) days' written notice has been given to each member of the PZC.
7. Prior to a meeting, staff may place any non-controversial Final Plat on a Consent portion of the agenda. At a meeting, any PZC member may request an item be removed from the Consent agenda and placed on the Regular agenda.

G. COUNTY COMMISSION PARTICIPATION

A member of the Board of County Commissioners may be designated to attend any or all meetings of the PZC. This Commissioner will observe the proceedings for the purpose of becoming knowledgeable about the cases so that, when each case is forwarded to the County Commissioners for final action, the Commissioner is able to add insight. The designated Commissioner shall not be a voting member of the PZC.