



BYLAWS

BOARD OF ZONING ADJUSTMENT CLAY COUNTY, MISSOURI

1. Enabling Legislation. The Clay County Board of Zoning Adjustment (the Board) is authorized by Chapter 64, Section 64.660 R.S.Mo., attached and incorporated herein. The establishment, membership, powers and procedures of the Board here enumerated conform to the tenets of this enabling legislation.
2. Officers and Staff. At its first meeting in each calendar year, the Board shall elect a Chairman and Vice-Chairman. The powers and duties of the officers and staff shall be as follows:
 - a) Chairman (member):
 - i) Preside at all meetings of the Board.
 - a) Administer oaths, take evidence and compel the attendance of witnesses.
 - b) Rule on all points of order and procedure, unless otherwise provided by a vote of the majority of the Board in session.
 - c) Appoint upon approval of the Board any committees found necessary to investigate any matters before the Board.
 - b) Vice-Chairman (member):
 - i) During the absence, disability, or disqualification of the Chairman, the Vice-Chairman shall exercise and perform all the responsibilities of the Chairman.
 - ii) If the Chairman vacates the Chairmanship before his or her term is completed, the Vice-Chairman shall serve the unexpired term of the vacated office. A new Vice-Chairman shall be elected at the next Board meeting following the vacation.
 - c) Senior Regular Member:
 - i) When both the Chairman and the Vice-Chairman are absent from a Board meeting; the senior, defined as longest serving, regular member of the Board shall perform all the responsibilities of the Chairman.

- d) Planning & Zoning Department (staff):
 - i) Accept and process Board of Zoning Adjustment Applications.
 - ii) Attend all regular meetings and public hearings of the Board.
 - iii) Record, transcribe, and keep the minutes of all meetings of the Board in an appropriate minute book.
 - iv) Give or serve all notices required by law or by the Board Bylaws.
 - v) Prepare the agenda for all meetings of the Board.
 - vi) Be custodian of the Board's records.
 - vii) Inform the Board of correspondence relating to business of the Board and attend to such business.
- 3. Board Powers and Duties. As authorized by Chapter 64, Sections 64.610 and 64.660 R.S.Mo. (attached and incorporated herein).
- 4. Applications.
 - a) Anyone wishing to apply for a variance or appeal shall make application to the Planning & Zoning Department, and make payment in full at the time of application for all application fees and mailing costs, in the amounts as determined by County Commission Order and State of Missouri statutes. Failure to make complete payment at the time of application shall constitute an incomplete application and no action will be taken on the application.
 - b) Prior to placing any case on the Board's agenda, the applicant/appellant shall provide the Planning & Zoning Department with all required data, information and maps as the Planning & Zoning Department deems necessary to fully advise the Board regarding all pertinent issues in the case even if such information is in addition to that supplied to the Planning and Zoning Commission or the County Building Official.
 - c) Any communications intended by the applicant/appellant to be an application or an appeal shall be regarded as mere notices of intent until complete data is received by the Planning and Zoning Department as indicated above.
- 5. Meetings.
 - a) The Board will not hold regularly scheduled meetings. As issues arise that require the Board's actions, meetings are to be scheduled by the Planning & Zoning Department, in consultation with the Chairman and members of the Board. Meetings will be scheduled no less than 26 days hence to allow time for statutory notifications and public noticing. All meetings shall be open to the public.
 - b) Special meetings may be called by the Chairman, the Planning & Zoning Department, or at the request of three (3) members of the Board, providing

at least (24) hours notice of such meeting is given each and every member of the Board. Application items requiring the statutory 15 days notice may not be considered at these special meetings.

- c) A quorum of the Board shall consist of three (3) members. A simple majority of said quorum is necessary for any valid vote of the Board.
- d) If no quorum is present at the beginning of a meeting, the Chairman shall convene the meeting, reschedule and announce an alternate date for the meeting to be held. Action on all agenda items and any other business shall be deferred until the rescheduled meeting.
- e) If during the course of a meeting a quorum ceases to exist, the Chairman shall discontinue the meeting's business, set and announce an alternate date to continue the meeting, and adjourn the meeting. Action on all items pending at this adjourned meeting shall be deferred until the newly rescheduled meeting.
- f) In cases where the Board holds public hearings, the Board may enter orders governing procedures to be followed in those meetings. These orders may include such items as the scheduling of hearing dates, filing of exhibits, identification of witnesses, limiting the duration of the testimony of witnesses, and directing parties to file proposed recommendations, findings of fact, or conclusions of law.
- g) Order of consideration of Agenda items: The following procedure will normally be observed; however, it may be rearranged by the Chairman for individual items if necessary for the expeditious conduct of business.
 - i) Approval of minutes.
 - ii) Swearing in of individuals who may wish to testify' during the course of the meeting.
 - iii) Cases:
 - a) Staff presents report.
 - b) The Board may ask the staff questions regarding the staff presentation and report
 - c) Proponents of the agenda item make presentations.
 - d) Opponents make presentations.
 - e) Proponents of the agenda item make rebuttal of any points not previously addressed.
 - f) Opponents make reply to any points addressed in the rebuttal
 - g) The Board asks any additional questions it may have of the proponents, opponents, or staff.
 - h) The Chairman shall then ask for a motion, a second, and the matter shall be placed before the Board for a vote.
 - iv) Voting shall be accomplished by individually polling each member of the Board present, who shall register his or her vote by voice. The

Planning & Zoning Department shall record the name of the motion maker, the member who seconds the motion, and the vote of each Board member.

6. Ethical Conduct.
 - a) No Board member shall discuss a pending agenda item at other than a scheduled public meeting.
 - b) Any member of the Board who knowingly has an economic or other personal interest in any matter before the Board shall voluntarily excuse himself or herself from consideration of that item or items and shall refrain from either discussing and/or voting on said item or items as a Board member.
 - c) The Board may, by a vote of the majority of a quorum, exclude a member or members from voting on or discussing a matter before the Board if it deems that that Board member or members have economic or other personal interests in any matter before the Board.
7. Dismissal of Applications.
 - a) The applicant/appellant or a representative designated by the applicant/appellant shall appear in person at the meeting at which their application is to be considered. If for any reason the applicant/appellant does not appear, and was properly notified of the meeting's time and place, the case may be dismissed or continued at the discretion of the Board. If the applicant/appellant does not appear a second time at the continued meeting and applicant/appellant offers no excuse for their failure to appear, the application or appeal shall be dismissed.
 - b) A dismissal may be set aside, at the discretion of the Board, if within thirty (30) days of the dismissal the applicant/appellant shows good and sufficient reason for their failure to appear. The Board will reconsider dismissed cases only after the applicant/appellant submits a new application and pays all attendant fees as required for new applications under Section 4 of these Bylaws.
8. Amendments to Bylaws. These rules may be amended at any meeting by a simple majority vote of a quorum of the Board, provided that the entire membership of the Board received written notice no less than five (5) days prior to the meeting when the amendments are to be considered.
9. Attendance. Attendance at Board meetings by all members is mandatory. If any member should miss three (3) meetings in a calendar year, the Chairman shall notify the Clay County Commission of that member's absences.