

**BY-LAWS
GOVERNING THE PROCEDURE
OF THE BOARD OF ZONING ADJUSTMENTS OF THE
CITY OF LEE'S SUMMIT, MISSOURI**

**ARTICLE I
STATEMENT OF PURPOSE**

Pursuant to Chapter 89 of the Revised Statutes of Missouri and Section 33-1, **Unified Development Ordinance**, and the Code of Ordinances of the City of Lee's Summit, Missouri (hereinafter Code of Ordinances) the following rules are to govern the transaction of business by the Board of **Zoning** Adjustments of the City of Lee's Summit (hereinafter Board). The objectives, purposes, powers and duties of the Board are those set forth in Chapter 89 of the Revised Statutes of Missouri as amended and Chapter 33, **Unified Development Ordinance** of the Code of Ordinances as amended.

**ARTICLE II
MEMBERSHIP**

Section 1. Membership of the Board shall be established, vacancies filled, and members removed in accordance with Chapter 33, **Unified Development Ordinance** of the Code of Ordinances and Chapter 89 of the Revised Statutes of Missouri.

Section 2. Voting.

- (a) Each member of the Board present at a meeting shall be entitled to vote on an issue before the Board, except as provided in these bylaws.
- (b) No member may vote on an issue in which that member has a substantial personal or private interest, as defined in Chapter 105 of the Revised Statutes of Missouri. If a member is prohibited from participating in any matter before the Board by Article XIV of the City Charter or Chapter 105 of the Revised Statutes of Missouri, the member shall excuse himself or herself from the table.

**ARTICLE III
OFFICERS AND THEIR DUTIES**

Section 1. The officers of the Board shall consist of a chairperson and a secretary. The officers shall perform the duties prescribed in these bylaws and by the parliamentary authority adopted by the Board. The officers shall be regular members, however an alternate member may fill any office vacated by a regular member.

Section 2. Election of officers.

- (a) The Board shall elect a board of officers by a majority vote annually on the regular meeting in the month of June.

- (b) Nomination of officers shall be made from the floor by Board members. Members may discuss nominations and the elections shall follow immediately thereafter.
- (c) A candidate receiving a majority vote of the entire membership of the Board shall be declared elected and shall serve for one year or until the successor shall take office.
- (d) Any vacancies in offices shall be filled immediately by regular election procedure.

Section 3. The Chairperson's Duties.

The Chairperson:

- (a) Shall be the presiding officer at all meetings and hearings of the Board at which the Chairperson is present, and
- (b) Shall have the privilege of discussing all matters before the Board, and
- (c) Shall not preside over or vote on an issue where the Chairperson has a substantial personal or private interest, as defined in Chapter 105 of the Revised Statutes of Missouri, and
- (d) Shall decide all points of order and procedure in accordance with the parliamentary procedure adopted by the Board.

Section 4. The Vice-Chairperson's Duties.

The Vice-Chairperson:

- (a) Shall act as the Chairperson in the absence or disability of the Chairperson.

Section 5. Acting Officers.

- (a) In the absence or disability of the Chairperson and the Vice-Chairperson, an acting Chairperson shall be selected by the members of the Board present.
- (b) In the absence or disability of the Vice-Chairperson, an Acting Vice-Chairperson shall be selected by the members of the Board present.
- (c) A member of the Board may act to fulfill the duties of only one office at a time and when serving in the absence or disability of another officer, the member must relinquish the duties of any other office held.

**ARTICLE IV
SUPPORT STAFF**

Section 1. The Board shall utilize the employees and staff provided by the City to assist in the completion of the Board's work as necessary.

**ARTICLE V
MEETINGS**

Section 1. Regular Meetings.

- (a) Regular meetings of the Board shall be held on the ~~fourth~~third Thursday of each month at 6:00 p.m. in the Strother Conference Room, 220 SE Green Street, Lee's Summit Missouri, unless it is otherwise agreed by the Board and notice is given in compliance with the Revised Statutes of Missouri and the Code of Ordinances.

- (b) The Chairperson, or the Vice-Chairperson upon direction of the Chairperson, may poll the members of the Board for the purpose of canceling a meeting prior the scheduled meeting time. A majority vote of the membership of the Board shall be required to cancel a meeting in advance.
- (c) A meeting may be cancelled for failure to assemble a quorum by a majority vote of the members present.

Section 2. Special Meetings.

- (a) Special meetings may be called by the Chairperson, or at the request of three members of the Board to the Chairperson, provided that at least 24 hours notice is given to each member of the Board of the time, place, and agenda of such meeting, and provided all other public notice requirements are met.
- (b) No business other than that specified in the agenda may be considered at a special meeting, except by unanimous consent of the entire Board at the special meeting.

Section 3. A quorum shall consist of four members of the Board. A concurring vote of the four members, is required to grant a variance to the regulations of Chapter 33, Unified Development Ordinance of the Code of Ordinances. **In the absence of a quorum of four members, a minimum of three members will constitute a quorum for the purpose of convening the meeting but only for the specific purpose of making a motion to continue agenda items to a date certain, in which case, a concurring vote of the majority of those present is required to pass a motion.**

Section 4. Public notice of all meetings shall be given in accordance with the Code of Ordinances and Chapter 610 of the Revised Statutes of Missouri.

Section 5. All meetings shall be open to the public unless closure is authorized in accordance with Chapter 2 of the Code of Ordinances and Chapter 610 of the Revised Statutes of Missouri.

Section 6. Records

- (a) Minutes of meetings and records of votes shall be kept in accordance with Chapter 2 of the Code of Ordinances and Chapter 610 of the Revised Statutes of Missouri.
- (b) All public records of the Board shall be made available to the public in accordance with Chapter 2 of the Code of Ordinances and Chapter 610 of the Revised Statutes of Missouri.

Section 7. The Board will only review complete applications. If the Applicant does not supply the Department of Planning and Development with the requested and/or revised materials to accommodate a timely Staff review and timely placement in the packet, the item should not be on the Board agenda.

Section 8. Unless otherwise agreed by the Board, the order of business shall be as follows:

- (a) Call to order and roll call.
- (b) Discussion and approval of agenda.
- (d) Unfinished business.

- (e) New business.
- (f) Roundtable discussion among the members of the Board.
- (g) Adjournment.

Section 9. It is the goal of the Board to conclude the meetings at 10:00 p.m.. This means some items will be continued. In an effort to assist with out of town applicants, (those traveling from outside the Kansas City metropolitan area) those applicants will be identified and every effort will be made to hear the application on the scheduled meeting date. Unless otherwise agreed by the Board, no new issues or agenda items shall be considered after 10:00 p.m..

Section 10. The Board may continue consideration of any issue due to the lack of a quorum or for further study and information. Any such continuance shall be until the next regular meeting or until a special meeting designated for that purpose.

Section 11. After the public hearing has been opened, the applicant or City staff may request a continuance to a future regular meeting. Such request shall be granted at the Board's discretion however, no application may be continued in this manner more than two times.

Section 12. Prior to the opening of a scheduled public hearing, the applicant or City staff may request a continuance to the next regular meeting. The Board shall allow the requested continuance, however no application may be continued in this manner more than three times. In this case, the public hearing shall be opened solely for the purpose of continuing the hearing to the next regular meeting. All costs of any continuance shall be paid by the party requesting the continuance. This section shall not apply to requests for continuances after a public hearing on the application has been opened. No indefinite continuances will be allowed. Any applicant who withdraws an application after appearance on the agenda must re-apply and pay all associated costs.

ARTICLE VI PARLIAMENTARY PROCEDURE

The rules contained in the current edition of *Robert's Rules of Order* shall govern the Board in all cases to which they are applicable except where they are inconsistent with these bylaws, any special rules of order the Board may adopt, or any of the Revised Statutes of Missouri that are applicable to the operation of the Board.

ARTICLE VII PUBLIC HEARINGS

Section 1. Public notice of all hearings shall be given as required in the Code of Ordinances and the Revised Statutes of Missouri.

Section 2. Minutes of public hearings and records of votes shall be kept in accordance with Chapter 2 of the Code of Ordinances and Chapter 610 of the Revised Statutes of Missouri.

Section 3. Unless the Board otherwise agrees, the order of business in a public hearing shall be as follows:

- (a) The public hearing shall be declared open by the Chairperson of the Board.
- (b) The subject matter of the public hearing shall be briefly stated by the Chairperson or his/her designee.
- (c) The applicant or its agent shall present the issue to the Board and respond to questions from the Board Members.
- (d) City staff shall provide a report to the Board and exhibits shall be entered into the record.
- (e) Comments from citizens in favor of the issue shall be received.
- (f) Comments from citizens opposed to the issue shall be received.
- (g) The applicant or its agent shall have the opportunity to rebut comments from City staff or citizens.
- (h) The Chairperson shall declare the public hearing closed.

Section 4. After the close of the public hearing the Board may discuss the application and make a motion on the application.

Section 5. Unless the Board otherwise agrees, the following rules shall govern the conduct of all meetings, including public hearings:

- (a) The Board reserves the right at all times to rule upon the admissibility of evidence.
- (b) Oral testimony shall be given only after the speaker has been recognized by the Chairperson. Upon recognition, speakers shall approach the podium, state their name, current address, and limit comments to the issue under discussion.
- (c) Irrelevant and unduly repetitious evidence may be excluded.
- (d) Parties in interest shall appear and/or may be represented by another party.
- (e) Verbal outbursts, heckling, jeering, or denigrating physical gestures will not be allowed. Persons demonstrating such actions shall be asked to leave the meeting.

**ARTICLE VIII
AMENDMENT OF BYLAWS**

Section 1. These bylaws may be amended by an affirmative vote of three members of the Board.

Section 2. Proposals for amendment of the bylaws shall be presented in writing at a meeting of the Board and action on the proposed amendment shall be taken at a subsequent meeting.

These bylaws are approved and adopted by the Board this ____ day of _____, 20__.

Chairperson

Secretary