

RULES OF PROCEDURE

INDEPENDENCE PLANNING ~~AND ZONING~~ COMMISSION

Independence, Missouri

ARTICLE I

Officers

1. The Independence Planning ~~and Zoning~~ Commission, hereafter referred to as "The Commission" shall elect ~~by~~ a majority vote ~~at the second meeting annually~~ in the month of ~~April~~ ~~July~~, a Chair and Vice-Chair. A Secretary to the Commission shall be appointed by the Planning Director.
2. The Chair shall preside at all meetings and hearings of the Commission. In the absence or disability of the Chair the Vice-Chair shall preside. In the absence or disability of both the Chair and the Vice-Chair an Acting Chair shall be selected by the members present.
3. If a vacancy of the Chair or Vice-Chair occurs, the Commission shall elect by a majority vote a new Chair or Vice-Chair. This election shall have no effect on the annual vote.
4. The presiding officer shall decide on all point of order and procedure in accordance with Robert's Rules of Order, subject to these rules, unless otherwise directed by a majority of the members of the Commission present.
5. The Chair shall appoint all committees found necessary for the purpose of expediting the work of the Commission.
6. The Chair shall report at any meeting on any official transaction taking place that has come to the attention of the Commission.
7. The Planning Director shall provide staff to the Commission and shall:
 - a. Transact all official business of the Commission.
 - b. Have full charge and control of all work of the staff, supervise its activities, and be responsible for the proper administration of its affairs.
 - c. Prepare the annual departmental budget subject to the approval of the Commission and certify all expenditures.
8. The Secretary shall conduct all routine correspondence, subject to these rules and the direction of the Commission and the Planning Director in regard to zoning amendments, vacations, subdivision developments and other matters. The Secretary shall send out all notices, attend all meetings or hearings of the Commission, keep minutes, compile the records and maintain the fields and indexes. An additional member of the staff shall be appointed Assistant Secretary to serve in the absence or disability of the Secretary.

ARTICLE II

Meetings

1. Regular meetings of the Commission shall ~~generally~~, be held at 6:00 P.M. on the second and fourth Tuesday ~~following the first Monday~~ of each month. The meeting will be devoted to any necessary public hearings, discussion of plans for the orderly improvement of the City, revisions to the Master Plan, and any other pertinent matters.
2. Special meetings may be called by the Chair when necessary to act upon matters before the Commission, or at the request of two (2) or more members, providing notice is given to each member of the Commission at least twenty-four (24) hours in advance of the time and place of such meeting. Notice of the meeting shall be provided as prescribed by state law.
3. A quorum shall consist of four (4) members of the Commission, unless there is a vacancy in the membership. In such case, a quorum shall be a majority of the existing membership.
4. In the absence of a quorum, the Chair, or in the absence of the Chair, the Commission Secretary, shall announce to those present that there is not a quorum present to conduct official business and that all business items on the agenda, including scheduled public hearings will be taken up at the next regularly scheduled Commission meeting or at a special meeting, called for that purpose.

ARTICLE III

Sub-Committees

1. Sub-Committees shall consist of at least three (3) members.
2. Sub-Committee meetings may be called upon the request of the Committee Chair or at the request of two (2) members whenever it is necessary to study material or information which call be considered by the Committee. A verbal or written report may be made at any meeting of the Commission by any committee on any particular subject under consideration by such committee.
3. The Chair of the Commission shall be an ex officio member of each Sub-Committee.

ARTICLE IV

Order of Business

1. ~~Unless otherwise agreed by the Commission, the~~ order of business of meetings shall be as follows:
 - a. ~~Call to order Unfinished Business—Applications continued from previous meetings and any other unfinished business from previous meetings.~~

- b. ~~Roll call Public Hearings—Applications requiring a public hearing to include zoning map and text amendments, special use permits, plan amendments and other matters referred to the Commission~~
 - c. ~~Approval of the consent agenda, including the minutes from previous meeting. Applications not requiring a public hearing, including approval of subdivision plats, vacation of utility easements and other matters.~~
 - d. ~~Public hearings. Applications for rehearings of matters previously heard by the Commission.~~
 - e. ~~Other business. Reports of committees.~~
 - f. ~~Roundtable discussion. Action upon minutes of previous meetings.~~
 - g. ~~Adjournment. Additional comments.~~
 - h. ~~Adjournment.~~
2. At the discretion of the Commission, the order of the agenda may be revised upon motion and affirmative vote of a majority of those present and voting on the motion.

ARTICLE V

Hearings

- 1. Requests for hearings involving zoning amendments shall be heard at the first regular meeting after the termination of the legally required advertising period.
- 2. The applicant shall appear at the hearing in person or shall be represented. If the applicant or its agent fails to appear at the hearing, the case may, at the discretion of the Planning Commission, be continued until the next regular meeting. ~~The Commission may, however, listen to the testimony of any person present in favor of or opposed to the application.~~ If the applicant or his agent fails to appear (without explanation) at the next meeting, the application shall be ~~denied~~denied, and a renewed application will not be considered until at least one (1) year has passed from the date of said denial. ~~The Commission may, however, listen to the testimony of any person present in favor of or opposed to the application and choose to vote on the case without the applicant or their agent present.~~
- 3. The Commission may postpone any case or continue any case due to lack of quorum or for further stud and information until the next regular meeting or until a special meeting designated for this purpose.
- 4. The order of hearing shall be:
 - a. Opening of hearing;
 - b. Report from staff;
 - c. Presentation by the applicant or designated agent;
 - d. Other persons in favor;
 - e. Persons opposed or having questions;
 - f. Response by applicant; and

g. Additional comments by staff.

5. Applicants shall be granted one continuance of a hearing provided the request is made in writing to the Planning Director prior to the hearing. The applicant shall make every reasonable effort to notify interested parties of the request. In addition to the above, the Commission may grant a continuance on its own initiative. A majority vote of those members present at the meeting shall be required to grant a continuance. The record shall indicate the reason for the continuance and any stipulations or conditions placed upon the continuance.
6. Upon conclusion of testimony, the Chair shall close the hearing and open the matter up for discussion among the Commissioners. The commission may ask follow up questions of staff, the applicant or any other witness. Prior to a decision on each application before the Commission, the Commission shall give due consideration to the evidence and testimony offered and to the staff report. Upon reaching a decision on an application requiring approval b-y the City Council, the Commission may move to recommend approval, conditional approval or denial. Any motion to recommend approval of an application, failing to receive a majority vote shall be considered a recommendation for denial of the application if no other motion is made. The Secretary shall prepare a report to the City Council containing the recommendation of the Planning Commission a summary of the hearing before the Commission, together with the important facts in the case, the voting record of the Commission, and any finds and conclusions by the Commission on which its recommendation is based.
7. When applications not requiring further consideration by the City Council are decided, a notice of the Commission's actions and reasons thereof shall be transmitted to the applicant, proper city departments, and to the City Council.
8. When an application is denied by the Commission, the applicant may request a rehearing at the next commission hearing; but such rehearing shall not be granted unless it can be shown to the Commission that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare justifying a reconsideration of such application, If the rehearing is denied, the case shall not be reopened for at least one (1) year from the date of the action by the Commission.
9. After a decision upon any application is made by the Commission, the applicant shall be given written notice of the action by the Commission.

ARTICLE VI

Conflicts of Interest

When a Commission member has a conflict of interest in any matter to come before the Commission, that member shall promptly declare a conflict of interest upon the opening of the item for public consideration and shall not thereafter engage in the discussion of the issue or vote on any motion related to the decision.

ARTICLE VII

Fees

The Commission shall not act on any applications until the application fee as specified by the ordinance is paid.

ARTICLE VIII

Records

The current records of the Commission shall be maintained by the secretary and shall be accessible to the public.

ARTICLE IX

Agenda

1. The Secretary shall prepare for each regular hearing of the Commission an agenda of the items to be considered in accordance with these rules of procedure. No item shall be placed on the agenda later than seven days preceding the regular meeting of the Commission.
2. Any member of the Commission may instruct the Secretary to add any matter to the agenda for discussion or action.

ARTICLE X

Amendments

These rules may be amended or modified by an affirmative vote of not less than four (4) members of the Commission, provided such amendment be presented in writing at a regular meeting, or special meeting called for this particular purpose, and action taken thereon at a subsequent regular meeting.

Approved and Adopted this ~~26th of October, 2021~~ 23rd day of February, 2010.

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~~Les Boatright, Chair~~

NOTE: Includes amendments to May 1, 1973; August 23, 1994; June 22, 1999; November 9, 2004; October 24, 2006, ~~and~~ February 23, 2010, and October 26, 2021.