



# WILDWOOD

## BY-LAWS OF THE PLANNING AND ZONING COMMISSION

Prepared by the Department of Planning

Draft Review: April 15, 2019/2<sup>nd</sup> Draft Review – May 6, 2019

As was noted at the Planning and Zoning Commission’s meeting on April 15, 2019, the Department of Planning has reviewed the compilation of articles and By-Laws from other communities that was requested and provided to it by the American Planning Association (APA), along with considering the current requirements and practices of the same, and has developed this list of possible items for inclusion in the current set of by-laws. These items are for consideration and may not reflect items the members of the Planning and Zoning Commission may want to discuss for possible inclusion, change, or otherwise deletion in this same regard. The items that were discussed at the April 15, 2019 Work Session of the Planning and Zoning Commission have not been updated to reflect its direction on the first six (6) considerations on the list, which have been shaded to identify the location where the discussions of the proposed By-Laws concluded and now should begin.

#	Item for Inclusion	Draft Wording	Rationales
1.	Define quorum	A quorum shall be required to conduct the business of the Planning and Zoning Commission. A quorum may vary based upon the actions that are being required or requested. No action other than procedural types shall be approved without a minimum of a majority of the seated Planning and Zoning Commission, i.e. six (6) of the ten (10) members. Said amount shall be changed, if the Mayor chooses not to serve as a member of the Planning and Zoning Commission, i.e. five (5) of the nine (9) members.	Current policy and practice of the Planning and Zoning Commission, which would now be memorialized.
2.	Add ethics provisions or references	The Planning and Zoning Commission and its members shall adhere to, and be bound by, the applicable City and State guidelines and codes covering ethical conduct. No member shall use his/her position, or derived information for personal use or gain, as specified in the applicable guidelines and codes.	Missing component, which almost all by-laws reviewed by the Department of Planning currently contain.
3.	Process relating to vacancies on Commission	Vacancies on the Planning and Zoning Commission shall be filled in accordance with Chapter 400, Article I Planning and Zoning Commission of the City of Wildwood Code of Municipal Ordinances. Terms of members of the Planning and Zoning Commission that have expired can continue to serve upon it, until otherwise replaced or reappointed.	Current policy and practice of the Planning and Zoning Commission, which would now be memorialized.
4.	Define meeting types	Meeting Types: The Planning and Zoning Commission has six (6) different meeting types, all intended to provide specific outcomes from them. These meeting types include the following: <ol style="list-style-type: none"> <li>1. Regular – held on the first and third Mondays of each month.</li> <li>2. Special – as needed and can be called by the Chair of the Planning and Zoning Commission or a minimum of three (3) members of the body itself.</li> <li>3. Work Session – a special session of the Planning and Zoning Commission authorized by a majority vote of the available members acting on the request and generally limited to one (1) topic of interest.</li> <li>4. Site Visit – a special session of the Planning and Zoning Commission authorized by a majority vote of the available members acting on the request and conducted at a site or sites under review by its members. If a majority of members of the Planning and Zoning Commission attend the meeting, i.e. six (6) of ten (10), the public may attend as well, with the property owner(s) permission. A policy was adopted in this regard by the Planning and Zoning Commission on August 6, 2018.</li> </ol>	Adds an informational aspect to the by-laws, while ensuring how these meetings are called and for what purposes.

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		<p>5. Subcommittee(s) – see Article VI of these By-Laws for said descriptions.</p> <p>6. Workshops and Training Sessions- special sessions of the Planning and Zoning Commission authorized by a majority vote of the available members acting on the request and generally limited to one (1) topic of interest.</p>	
5.	Committee structure	<p>All committees of the Planning and Zoning Commission shall be led by the currently seated Chair of the Planning and Zoning Commission, as an ex-facto member of it. Committees of the Planning and Zoning Commission shall contain a minimum of four (4) members, but any member can attend any meeting of them and participate and vote on the matters before them. This Committee structure shall not apply to the selection of officers for the Planning and Zoning Commission, which is detailed in Article III, Item #1.</p>	<p>Current policy and practice of the Planning and Zoning Commission, which would now be memorialized.</p>
6.	Outside meetings - ExParte Communications	<p>In no instance shall a member or members of the Planning and Zoning Commission meet as an individual or on a collective basis with any outside party that has an active item, is anticipating, or currently underway with the same before it, without the Department of Planning being present or other official of the City of Wildwood. If a quorum of members of the Planning and Zoning Commission is present regarding such, it shall constitute a meeting and meet all requirements of the same. This prohibition shall not extend to the Mayor or the City Council Member liaison that sit on the Planning and Zoning Commission.</p>	<p>Missing component, which almost all by-laws reviewed by the Department of Planning currently contain.</p>
7.	Statement of Purpose	<p>The Commission shall have the necessary power and authority to carry out the following purposes:</p> <p>a. Adopt and promulgate and amend rules, regulations and procedures, not inconsistent with the laws and ordinances of the City of Wildwood, for the operation of said Commission and carrying out of the provisions of Chapter 400, Article I.</p> <p>b. Have general supervision of the enforcement of any zoning ordinances enacted by the City Council.</p> <p>c. Adopt a comprehensive City plan as defined in Section 89.340, RSMo.</p> <p>d. Prepare or revise a zoning plan for the City of Wildwood which shall conform to the provisions of Sections 89.010 through 89.144, and Sections 89.300 through 89.490, RSMo., 1994, as amended, or as shall hereafter be revised or amended, and which shall include recommendations to the City Council.</p> <p>e. Take all such actions and hold such other powers as authorized by the City's Charter, Chapter 400, Article I of the City of Wildwood's Code of Municipal Ordinances, and Sections 89.300 through 89.480, RSMo.</p>	<p>Current language from Municipal Code, but provides support to opening statement of By-Laws, which references the Planning and Zoning Commission's powers and authorities.</p>
8.	Motions - General Types	<p>The Planning and Zoning Commission generally shall take the following actions relative to motions on agenda items before it:</p> <ul style="list-style-type: none"> <li>• To Discuss</li> <li>• Deny, with prejudice</li> <li>• Deny, without prejudice</li> <li>• Approve</li> <li>• Approve, with conditions</li> <li>• Postpone, including to a date certain</li> <li>• Postpone, indefinitely</li> <li>• Withdraw</li> <li>• Table</li> </ul>	<p>Adds an informational aspect to the by-laws, while offering a resource for any future questions in this regard, along with providing clarity to the Planning and Zoning Commission's decision making processes.</p>
9.	Seating Arrangement - Chair	<p>The Chair of the Planning and Zoning Commission shall set the seating order of the members at the dais, with preference given to the Vice-Chair and Secretary of the Planning and Zoning Commission being located on either side of him or her.</p>	<p>Current policy and practice of the Planning and Zoning Commission, which would now be memorialized.</p>
10.	Public Hearing Guidelines Booklet	<p>The Planning and Zoning Commission shall make available to all public hearing attendees a Public Hearing Guidelines Booklet, which explains the procedures and processes of them, including public comment rules and timeframes. The booklet shall be provided at the location of the public hearing for attendees to easily find and receive a copy of it.</p>	<p>Current policy and practice of the Planning and Zoning Commission, which would now be memorialized.</p>

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		The booklet shall be updated, if procedures or processes of the public hearing are changed by the Planning and Zoning Commission, with said responsibility being assigned to the Department of Planning.	
11.	Annual Work Program – Planning Tool	<p>The Planning and Zoning Commission shall, at its last meeting of the calendar year receive from the Department of Planning a Work Program for the upcoming year for the members’ discussion, input, and adoption, before the last meeting of January in the following year.</p> <p>This Work Program shall be updated every quarter with the Planning and Zoning Commission and Department of Planning to ensure items identified upon it are being addressed, while also adding new considerations or efforts to it. In no such instance shall the Work Program be considered binding, if ordinance established duties and responsibilities absorb the Planning and Zoning Commission’s available time.</p> <p>A copy of the approved Work Program of the Planning and Zoning Commission shall be forwarded to the City Council for receipt and filing.</p>	New item to assist the Planning and Zoning Commission members in the completion of their duties.
12.	Year End Report	The Department of Planning will provide, at the last scheduled meeting of the calendar year, a report on the activities of the Planning and Zoning Commission for that period of time. A copy of this Year End Report of the Planning and Zoning Commission shall be forwarded to the City Council for receipt and filing.	New item to assist the Planning and Zoning Commission members in the completion of their duties.
13.	Cancellation of Petitions - Policy in Place	A request for a postponement of an agenda item that has been published and posted for public hearing by the Planning and Zoning Commission must be received before 5:00 p.m. on the Thursday prior to the hearing date to be automatically granted. If the notice is not received before this deadline, the petitioner must appear in person at the Planning and Zoning Commission meeting to request the postponement. Granting of a postponement at that time is strictly at the discretion of the Planning and Zoning Commission.	Current policy and practice of the Planning and Zoning Commission, which would now be memorialized.
14.	Severability Clause	<p>If any term, condition, or provision of these By-Laws shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Planning and Zoning Commission that it would have enacted in these By-Laws without the invalid or unenforceable provisions.</p> <p>In the event of a subsequent change in applicable law so that the provision, which had been held invalid, is no longer invalid, said provision shall thereupon return to full force and effect without further action by the Planning and Zoning Commission and shall thereafter be binding.</p>	New item intended to provide protection to the Planning and Zoning Commission’s By-Laws and their administration and application, if ever challenged relative to the same.
15.	Identify Livestreaming of Meetings	All regular meetings of the Planning and Zoning Commission shall be livestreamed. Closed Sessions of the Planning and Zoning Commission shall not be livestreamed. Subcommittee meetings workshops, and any other meetings of the Planning and Zoning Commission shall be at the discretion of the Planning and Zoning Commission.	New item based upon the current direction and action of the City Council, which directed that every meeting be broadcast, when possible.
16.	Tie Vote	A tie vote on any agenda item by the Planning and Zoning Commission shall be deemed to have failed for a lack of majority.	Current policy and practice of the Planning and Zoning Commission, which would now be memorialized.
17.	Development and Zoning Review Committee Participation	The Chair of the Planning and Zoning Commission shall serve on the Development and Zoning Review Committee (DZRC), along with the City Council liaison to the Planning and Zoning Commission.	New item to reflect the creation of this entity, which is to assist the Planning and Zoning Commission in the administration of its land use duties and responsibilities herein.