



WILDWOOD

BY-LAWS CITY OF WILDWOOD PLANNING AND ZONING COMMISSION

< ARTICLE I – POWERS, DUTIES, PROCEDURES, AND POLICIES OF THE PLANNING AND ZONING COMMISSION OBJECTIVES >

The powers and duties, procedures, and polices of the Planning and Zoning Commission are as established by [the City Charter](#), City of Wildwood Ordinances, as amended and supplemented, and the relevant statutes of the State of Missouri, as amended and supplemented, relating to Charter Cities.

Section 1. The Planning and Zoning Commission shall have the necessary powers to carry out the following duties:

- (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.
- (b) Have general supervision of the enforcement of any zoning ordinances enacted by the City Council.
- (c) Adopt a comprehensive City plan pursuant to as defined in Sections 89.340 to 89.360, RSMo.
- (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.
- (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.

Section 2. 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. Subject to the right of resignation, any member of the Planning and Zoning Commission whose term has expired shall remain on the Planning and Zoning

Commission until their successor is duly appointed and qualified. Terms of members of the Planning and Zoning Commission that have expired can continue to serve upon it, until otherwise replaced or reappointed. Nothing herein these By-Laws shall be read or interpreted in any way that is promulgated that is inconsistent with Chapter 89 of the Missouri Revised Statutes in this regard.

Section 3. The City Administrator, the Director of Public Works, and any other similar official may serve in an ex-officio capacity, but shall not be entitled to a vote on a Commission matter before it.

Section 4. Planning and Zoning Commission Members shall serve without compensation.

< ARTICLE II - OFFICERS AND THEIR DUTIES >

Section 1. The officers of the Planning and Zoning Commission shall consist of a Chair, Vice-Chair, and a Secretary. Each officer shall be a member of the Planning and Zoning Commission.

Section 2. The Chair of the Commission shall have the following powers and duties:

- (a) To preside at all meetings and hearings of the Commission;
- (b) To appoint Commission members to its respective Committees;
- (c) To have general charge of the activities of the Planning and Zoning Commission and generally oversee the conduct of its affairs;
- (d) To call Special Meetings of the Commission;
- (e) To carry out other duties normally conferred by parliamentary usage on such officer;
- (f) To establish 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;
- (g) To serve on the Development and Zoning Review Committee (DZRC), along with the City Council liaison to the Planning and Zoning Commission;
- (h) To provide on behalf of the Planning and Zoning Commission a report to the City Council regarding any member of this body that is absent for five (5) consecutive meetings or, during a calendar year, does not attend more than fifty (50) percent of its regularly scheduled meetings. This report shall be in written form, with the dates of these missed meetings included, and forwarded to the City Council by the Department of Planning; and

(i) To engage in other activities as directed by the Planning and Zoning Commission.

Section 3. The Vice-Chair of the Planning and Zoning Commission shall have the following powers and duties:

(a) To act for the Chair in the Chair's absence;

(b) To perform all duties normally conferred by parliamentary usage on such officer; and

(c) Engage in other activities as directed by the Planning and Zoning Commission.

Section 4. The Secretary of the Planning and Zoning Commission shall have the following duties:

(a) To act for the Chair and Vice-Chair in their absence;

(b) To certify and maintain a record of each meeting and hearing of the Planning and Zoning Commission. The Secretary may delegate this responsibility to the Director of Planning;

(c) To attend to correspondence of the Planning and Zoning Commission. The Secretary may delegate this responsibility to the Director of Planning;

(d) To give to each Commission Member due notice of the time and place of each Annual, Regular, or Special Meeting and each Public Hearing of the Commission. The Secretary may delegate this responsibility to the Director of Planning;

(e) To carry out other duties normally conferred by parliamentary usage on such officer; and

(f) To engage in other activities as directed by the Planning and Zoning Commission.

< ARTICLE III – ETHICS AND EX-PARTE COMMUNICATIONS >

Section 1. The Planning and Zoning Commission, and its members, shall adhere to, and be bound by, the applicable City and State laws and regulations pertaining to conflicts of interest and 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 laws and regulations ~~guidelines and codes~~.

Section 2. In no instance shall a citizen member, or citizen members, of the Planning and Zoning Commission communicate privately meet as an individual, or on a collective basis, with any outside party that has an active petition, or likely to submit is anticipating submitting a petition, that will be subject to the review by the Planning and Zoning Commission ~~or~~

currently has a petition 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 all conditions of the City's posting requirements shall be met. This prohibition shall not extend to the Mayor or the City Council Member liaison that are seated on the Planning and Zoning Commission, or to any site visit or other communication made consistent with a policy adopted by the Planning and Zoning Commission, which includes the required attendance of a representative of the Department of Planning contained in Section 2 of Article III.

Section 3. Nothing herein shall be construed as imposing any limitation on the free exchange of ideas, views, and information between any person and the Commission, or any commissioner, provided that such communications relate to matters of general policy and do not address the merits of the specific facts, evidence, claims, or positions presented, or taken, relative to a pending petition before it.

< ARTICLE IV - ELECTIONS OF OFFICERS >

Section 1. A nominating committee of not less than four (4) Commissioners shall be appointed by the serving Chair of the Planning and Zoning Commission at the second meeting in June of each year to nominate officers of the Planning and Zoning Commission for the following year. The committee shall report to the full membership at the second meeting of the Planning and Zoning Commission in July, with the election of the officers occurring no later than the second meeting of August. Nominations may also be entertained from the floor at this second meeting in July. The new officers, being duly elected, shall take office at the first meeting of the Planning and Zoning Commission following its election and administer said office for one (1) year or until their successors are appointed.

Section 2. The Chair may request nominations for two (2) or three (3) officers simultaneously or, at discretion of the Chair, require a separate nomination and vote for each officer.

Section 3. A candidate receiving a majority vote of the Planning and Zoning Commission shall be declared elected.

Section 4. A vacancy in office shall be filled as soon as possible in accordance with the election procedure set forth herein or by a special election as directed by the Chair of the Commission.

< ARTICLE V – MEETINGS >

Section 1. Regular meetings of the Planning and Zoning Commission shall be held on the first and third Mondays of each month at 7:00 ~~6:30~~ 7:30 p.m. in the City Council Chambers, unless otherwise specified by the Chair.

Section 2. The Planning and Zoning Commission generally has six (6) different meeting types, all intended to provide specific outcomes from them. These meeting types include the following:

- (a) Regular – held on the first and third Mondays of each month.
- (b) 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 Planning and Zoning Commission, in accordance with the procedures set forth in the Code of Ordinances, as may be amended from time to time. ~~the body itself.~~
- (c) 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.
- (d) 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 ~~quorum~~ majority of members of the Planning and Zoning Commission attend the meeting, i.e. six (6) of ten (10), such site visit shall be conducted as a public meeting consistent with Chapter 610, RSMo. The Planning and Zoning Commission may adopt policies for site visits consistent herewith. ~~the public may attend as well, with the property owner(s) permission.~~
Editor’s Note: A policy was adopted in this regard by the Planning and Zoning Commission on August 6, 2018.
- (e) Subcommittee(s) – see Article VII of these By-Laws for said descriptions.
- (f) 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.

Section 3. An additional or special meeting may be called by the Chair, or at the request in writing of any three (3) or more members of the Commission.

Section 4. Six (6) members of the Planning and Zoning Commission shall constitute a quorum for the purposes of transacting business; provided, however, should the Planning and Zoning Commission not have the Mayor or the City Council Members amongst its members, then five (5) members of the Planning and Zoning Commission shall constitute a quorum for the purposes of transacting business. Procedural matters may be approved by a simple majority of the Planning and Zoning Commission present. Except as provided in Section 5 of this Article V, all other actions by the Planning and Zoning Commission shall be approved by an affirmative vote of a majority of the members of the Planning and Zoning Commission then in office. ~~A simple majority of the membership of the Commission shall constitute a quorum (six (6) members) for the transaction of Commission business.~~

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 and/or the City Council liaison to the same choose not to serve as a member of the Planning and Zoning Commission, i.e. five (5) of the eight (8) or nine (9) members. The participation of the Mayor and City Council liaison shall adhere to all applicable codes of the City and State of Missouri in this matter, including Chapter 400, Article 1, of the City of Wildwood Code of Municipal Ordinances, the Wildwood City Charter, where applicable, and Chapter 89 of Missouri Revised Statutes. Each member of the Commission shall have one (1) vote.

Section 5. The granting of a Conditional Use Permit (CUP), the submittal of a recommendation for approval of a zoning amendment, or the approval of a plan/plat shall require the affirmative vote of at least six (6) members of the Planning and Zoning Commission. All other matters may be approved by a majority of the members present. Any member of the minority may request a minority report be issued. A tie vote on any agenda item by the Planning and Zoning Commission shall be deemed to have failed for a lack of majority (See Article V, Section 4, of these By-Laws for further information).

Section 6. In the absence of the Chair, Vice-Chair, and Secretary, the member present who is senior, in terms of service on the Planning and Zoning Commission, shall preside over the meeting.

Section 7. Except as otherwise specified by these by-laws, Robert's Rule of Order shall prevail at all meetings of the Commission.

Section 8. The Planning and Zoning Commission generally may take the following actions relative to motions on agenda items before it. These actions, including discussion, shall be opened by the Chair of the Planning and Zoning Commission:

- (a) To Discuss;
- (b) Deny, with prejudice;
- (c) Deny, without prejudice;
- (d) Approve;
- (e) Approve, with conditions;
- (f) Postpone, including to a date certain;
- (g) Postpone, indefinitely;

(h) Withdraw; or

(i) Table.

Section 9. The order of business at Meetings shall be:

(a) Approval of minutes of previous meetings and hearings;

(b) Public Comment;

(b) Public Hearing;

(c) Old Business;

(d) New Business;

(e) Site Plans, Building Elevations, and Signs;

(f) Other; and

~~(g) Reports of officers and committees; and~~

(g) Adjournment.

Section 10. The Chair of the Commission, or majority of the Planning and Zoning Commission, may alter the order of business at any meeting.

Section 11. **Subject to annual appropriations by the City Council, all regular meetings of the Planning and Zoning Commission shall be livestreamed, as technically feasible. Closed Sessions of the Planning and Zoning Commission shall not be livestreamed. Subcommittee meetings workshops, work sessions, and/or any other meetings of the Planning and Zoning Commission shall be at the discretion of the Planning and Zoning Commission, but, again, based upon technical feasibility, while being consistent with the desire to provide information and access to residents of the City, whenever possible.**

Section 12. **All meetings of the Planning and Zoning Commission, including site visits, where a quorum of the Planning and Zoning Commission is present, shall be conducted consistent with Chapter 610, RSMo.**

< ARTICLE VI - PUBLIC HEARING >

Section 1. A Public Comment Session shall be held at the beginning of each meeting as required by City of Wildwood Ordinance 27. The Public Hearings shall be held at City Hall as specified by Article IV, Section 4 of these By-laws, unless specified by the Chair.

- Section 2. The order of business at a public hearing shall be as indicated in the public notice thereof.
- Section 3. The Chair of the Commission, or a majority of the Planning and Zoning Commission, may alter the order of business at the public hearing.
- Section 4. The rules of procedure governing public hearing shall be:
- (a) The number of petitions will not exceed two (2) per agenda, unless related petitions are presented and heard together, at which time there may be four (4) per agenda.
 - (b) The Chair of the Planning and Zoning Commission may grant an exception to the number of petitions per agenda when necessary under special conditions.
 - (c) The petitioner, or representative of the petitioner, shall be granted fifteen (15) minutes per hearing to explain the petition.
 - (d) Speakers in favor or opposed to a petition shall be granted five (5) minutes when representing a group or organization.
 - (e) Speakers in favor or opposed to a petition shall be granted three (3) minutes when not representing a group or organization.
 - (f) ~~The Chair of the Commission may authorize an exception to the time limit allotted to the petitioner, representative, or speakers in favor/opposition, when necessary under special conditions or unusual circumstances.~~
- Section 5. ~~The Planning and Zoning Commission shall maintain, and make available, a copy of the 'Public Hearing Guidelines' at its meetings, where an agenda item requires public comment. 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. This publication will generally be available at the hearing where the advertised petition(s) are under consideration by the Planning and Zoning Commission. 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.~~
- Section 6. 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 Wednesday, 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. This policy shall be included on the application for zoning change that is provided by the Department

of Planning to all petitioners, as part of this process.

< ARTICLE VII – COMMITTEES AND LIAISON POSITIONS >

- Section 1. 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. Any Committee 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 (Committee of the Whole). This Committee structure shall not apply to the selection of officers for the Planning and Zoning Commission, which is detailed in Article IV, Item #1.
- Section 2. At the next meeting following the election of officers for the upcoming year, the Chair of the Planning and Zoning Commission shall appoint, for a term of one (1) year, members of the Commission to each of the following Committee or liaison positions and shall designate a Chair of each:
- (a) **Ordinance and Master Plan Review Committee:** This Committee shall have primary responsibility for reviewing, advising, and directing the Department of Planning staff on ordinances affecting the planning process as it relates to specific development and land use control authorities. Additionally, this Committee shall review and update the progress of the City in implementing the objectives and policies of the Master Plan. When necessary, it shall be their responsibility to recommend changes to it to insure its relevance and timeliness. A minimum of three (3) from the Commission will serve on this committee.
 - (a) **Site Plan Review Committee:** This Committee shall have primary responsibility for reviewing and advising the Department of Planning staff on site development plan approvals and landscaping requirements. Each member of the Planning and Zoning Commission may serve on this Committee, but a minimum of three (3) members must be in attendance for it to conduct business, with two (2) or more affirmative votes required for action on any item before it. A participant of the Architectural Review Board may be a non-voting member of the Site Plan Review Committee and assist in the review of materials under the Planning and Zoning Commission’s purview.
 - (b) **Architectural Review Board:** At least one (1) member of the Planning and Zoning Commission may represent it at the regularly scheduled meetings of the Architectural Review Board (second Thursday of each month). A call list shall be maintained, in alphabetical succession, by the Department of Planning and Parks of the Planning and Zoning Commission’s citizen appointees and at least one (1) such member shall be notified of the next upcoming meeting of the Architectural Review Board.

- (c) **Historic Preservation Commission:** At least one (1) member of the Planning and Zoning Commission may represent it at the regularly scheduled meetings of the Historic Preservation Commission (third Wednesday of each month). A call list shall be maintained, in alphabetical succession, by the Department of Planning and Parks of the Planning and Zoning Commission's citizen appointees and at least one (1) such member shall be notified of the next upcoming meeting of the Historic Preservation Commission.

Section 3. The Chair of the Commission, with the approval of its members, may appoint special committees.

Section 4. The Chair of the Commission shall fill a committee's vacancy.

Section 5. The Chair of the Commission, with the approval of its members, may appoint a person who is not a member of the Planning and Zoning Commission or the Department of Planning staff as an advisory participant to a committee.

Section 6. These committees shall meet at a time and place set by the Chair of the Committee. **Dependent on the number of participating Planning and Zoning Commission Members, the minimum for a quorum to be established is three (3) members , unless the Committee of the Whole is convened, which then shall be a minimum of six (6) of the total number of members. Recommendations, and their forwarding for action to the Planning and Zoning Commission, again, will be based upon the number of participating members, but shall not be less than a majority of the attending members at the specific meeting, session, or workshop.**

< ARTICLE VIII - DIRECTOR OF PLANNING >

Section 1. The Director of Planning shall provide staff assistance to the Planning and Zoning Commission and shall perform those duties required by law or delegated to him or an officer thereof.

Section 2. The Director of Planning shall appoint as necessary, a member of the Department of Planning staff to meet with, work for, and advise any delegated Committee of the Commission.

Section 3. The Director of Planning and/or City Attorney shall provide parliamentary assistance on the conduct of business as requested by the Chair of the Commission.

< ARTICLE IX – WORK PROGRAM >

Section 1. **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.

Section 2. 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.

Section 3. 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.

Section 4. A copy of the approved Work Program of the Planning and Zoning Commission shall be forwarded to the City Council for receipt and filing.

< ARTICLE X – SEVERABILITY >

Section 1. 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.

Section 2. 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.

< ARTICLE XI - AMENDMENTS OF BY-LAWS >

Section 1. These By-laws may be amended by an affirmative vote of not less than six (6) members of the Planning and Zoning Commission.

Adoption and Revision Dates:

Original Draft -	September 11, 1995	
Revised Draft -	October 16, 1995	[Passed By-Laws; changed months from May to June.]
	June 1996	[Extended terms by City Council; changed months from June to July.]
	August 19, 1996	[Revised order of business and modified subcommittees.]
	September 3, 1996	[Revised order of business]
	September 7, 1999	[Committee membership and election of officers]
	May 19, 2003	[Modified election of officers and Committee descriptions]
	July 7, 2008	[Modified the month relating to election of officers]
	August 1, 2016	[Changed meeting time from 7:30 p.m. to 6:30 p.m.; eliminated Public Comment as an item of the Order of Business at the start of Commission meetings; and added “Other” to the Order of Business]
	August 5, 2019	TBD [To Be Determined – Planning and Zoning Commission changes are indicated by red type; blue type now reflects the City Attorney’s additions and subtractions]