



BYLAWS AND PROCEDURES  
Of the  
CITY OF PARKVILLE, MISSOURI  
BOARD OF ZONING ADJUSTMENTS  
*Adopted by the Board of Zoning Adjustments on 2-10-16*

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## I. AUTHORITY AND POWERS

The authority and powers of the Parkville Board of Zoning Adjustment are those set forth in RSMo, Chapter 89 and amendments and supplements thereto, and those powers and duties delegated to the Board of Zoning Adjustment by the Board of Aldermen for the City of Parkville as set forth in Title IV of the City Code of Ordinances.

Those powers and duties include:

- a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Title.
- b. To hear and decide special exceptions to the terms of this Title or other matter upon which such Board is required to pass under this Title.
- c. To authorize upon appeal in specific cases such variance from the terms of this Title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Title will result in unnecessary hardship, and so that the spirit of the Zoning Code shall be observed and substantial justice done.
- d. To perform all other functions of the Board of Zoning Adjustment and Board of Adjustment pursuant to State Law and the Parkville Municipal Code.

## II. ORGANIZATION AND STRUCTURE

### a. MEMBERSHIP

The Board and Zoning Adjustment consists of five (5) members who shall be residents of the City and three (3) alternates, each shall be appointed to serve in the absence, abstention or the disqualification of the regular members. Appointments are made by the Mayor, with the consent of the Board of Aldermen, for service on the Board and Zoning Adjustment. Appointments shall be for a period of five (5) years, except when appointed to fill a vacancy of an unexpired term. All board members shall serve without pay or remuneration of any sort. Vacancies shall be filled by appointment of the Mayor with approval by the Board of Aldermen for the unexpired term(s). Any member may be removed by the Board of Aldermen for cause stated in writing and after a public hearing.

### b. OFFICERS AND HOW ELECTED

The Board of Zoning Adjustment shall elect a Chairperson, Vice Chairperson and Secretary from among its citizen members. The terms of the Chairperson, Vice Chairperson and Secretary shall be for one (1) year with eligibility for re-election.

### c. PRESIDING OFFICER

1. The Chairman or, in his absence the Vice Chairman, shall preside over all meetings and hearings of the Board. In the absence of both the Chairman and Vice Chairman, the Secretary shall preside over the Board.
2. The presiding officer shall administer oaths of truthfulness, take evidence, enter discussions and vote on all matters coming before the Board.
3. The presiding officer shall decide all points of order and procedure, subject to these rules, unless otherwise directed by the majority of the members of the Board present.
4. The Chairman shall appoint members to serve on any subcommittees of the Board.

### d. COMMISSION STAFF LIAISON

1. The Community Development Director, or designated representative, shall serve as the Staff Liaison to the Board of Zoning Adjustment and shall provide the staff necessary to carry out the duties and responsibilities of the Board. The Community Development Director may

- appoint a member of his/her staff to serve as the Recorder of the meeting minutes. All references in these rules to the Staff Liaison shall include the Director of Community Development or his/her appointed staff or designees.
2. The Staff Liaison shall process all applications that are to be brought before the Board and, in doing so, guide the applicant through the proper procedures of the applicable ordinances, regulations or requirements.
  3. The Staff Liaison shall be responsible for all routine correspondence and provide for the proper presentation of matters coming before the Board, including preparation of the official agenda.
  4. The Staff Liaison shall attend all official meetings and hearings of the Board, keep the minutes, compile records, maintain files, and make available current ordinances, maps, and other pertinent information relating to the duties of the Board.

### **III. MEETINGS**

#### *a. OPEN MEETINGS*

All meetings of the Board shall be open to the public and comply with the state's open meeting laws, and shall be conducted generally according to Robert's Rules of Order.

#### *b. MEETINGS*

The Board shall meet at the time and place set by resolution of the Board of Zoning Adjustment, unless otherwise specified in official public notices. In the event that no business comes before the Board for a specific meeting, the Community Development Director or his/her designee may elect to cancel the regular meeting and notify all members of such cancellation within 24 hours of the meeting time.

#### *c. SPECIAL MEETINGS*

Special meetings may be called by the Community Development Director or his/her designee when required to act upon matters before the Board, provided at least fifteen (15) days' notice is delivered to each member of the Board and to the public by posting such notice in a conspicuous place within the Parkville City Hall and on the subject property if applicable. Such notice shall specify the subject, time and place for such special meeting. Only the subject contained in the notice may be considered at such special meetings.

#### *d. ADJOURNED MEETINGS*

Meetings may be adjourned to a specified date, time, and place. In order to adjourn such meetings, a quorum need not be present; however, the notice provisions of special meetings shall apply if a quorum is not present.

#### *e. QUORUM*

Attendance by a quorum of three (3) Board of Zoning Adjustment members or alternates shall be required for a meeting to be held

#### *f. VOTING*

An affirmative vote of a majority of the members present is required to pass any motion. The passage of a resolution requires a majority vote of the full membership of the Board of Zoning Adjustment. The presiding officer may call for a roll call vote and the minutes shall reflect such votes.

#### *g. AGENDA*

An official agenda generally following the "ORDER OF BUSINESS" shall be made available for all regular meetings and the presiding officer shall generally adhere to said agenda unless it is amended or revised by consent of the majority of the Board members present.

*h. ORDER OF BUSINESS*

1. Call to order by presiding officer.
2. Roll call to determine quorum.
3. Acceptance of the agenda.
4. Consideration of minutes from previous meeting(s).
5. Introductions/announcements
6. Public hearings
7. Other business including reports from special committees, CLARB, Planning & Zoning Commission, Board of Aldermen and/or Staff
8. Adjournment, or
9. Adjournment for continuance of any unfinished business to the next regular or special meeting.

*i. DISPOSITION*

All items coming before the Board as agenda items shall be acted upon on the day presented or heard and such action shall be one of the following:

1. Denial;
2. Approval;
3. Continuance;
4. Recommended to Board of Aldermen for approval; (if needed)
5. Recommended to Board of Aldermen for disapproval (denial); or
6. Taken under advisement.

*j. ATTENDANCE*

Any member of the Board of Zoning Adjustment that is absent for three consecutive meetings without making prior arrangements shall be deemed to have resigned from the Board of Zoning Adjustment. A replacement member shall then be appointed by the mayor and approved by the Board of Aldermen.

**IV. PROCEDURES**

*a. OFFICE PROCEDURES*

**1. Records and Files**

Minutes shall be maintained for all Board meetings and such minutes shall be filed in the office of Community Development. All maps, charts, materials, documents, reports and correspondence shall be carefully maintained and preserved in accordance with the retention schedules set by the Missouri Secretary of State's Office and using office procedures compatible with the permanence and importance of such documentation. Security shall be provided to prevent any loss or unauthorized alteration.

**2. Collection of Fees**

Each application or activity coming before the Board that requires a fee by law shall be accompanied by suitable payment, payable to the City of Parkville and accepted by the Staff Liaison before placed on the official agenda. The amounts and methods of payment of fees shall be in accordance with schedules and ordinances established or authorized by the Board of Aldermen.

*b. PUBLIC HEARING PROCEDURES*

1. **Legal Notice.** The Department of Community Development is responsible for assuring all legal notices relating to this Board are duly published according to law.
2. **Order of Appearance of Hearing.** The order of hearing for each case shall be:
  - a) Open public hearing.
  - b) Staff reports:
    1. Community Development Director or representative.
    2. Public Works Director or representative, if applicable.
    3. Reports from other departments or public entities, if applicable.
  - c) Applicant's report
  - d) Report of proponent(s)
  - e) Report of opponent(s)

- f) Close public hearing.
  - g) Motion to dispose.
3. **Citizen Presentation.** All persons appearing before the Board shall stand where directed and state their name and address for the record. Any person who wishes to question testimony or otherwise comment on an issue at hand shall first be recognized by the Chairman and shall direct their questions and comments to the Board. No cross-examination of witnesses by anyone other than Board members shall be allowed unless specifically authorized by the presiding officer.
  4. **Time Limits for Presentations.** The presiding officer may limit the time any presenter, citizen, or witness has to state his/her case. Every effort shall be made to permit the development of all pertinent facts and to provide for the preservation of a fair and impartial hearing.
  5. **Board Presentation.** No member of the Board shall make the initial presentation on behalf of any applicant unless the member is the applicant. However, a Board member may offer testimony on behalf of an applicant after that Board member has disqualified themselves from the Board.
  6. **Member Disqualification.** A member shall disqualify themselves and not participate in discussion or vote on any application in which the member, his employer, or any member of his immediate family has or have had any financial interest whatsoever. Any member affected by this regulation shall disqualify themselves prior to the presentation of the application. A member who disqualifies themselves shall remove themselves from the room and not listen to the discussion nor return until the disposition of the item.
  7. **Postponement or Tabling of Hearing.** The hearing of any application may, upon request by the applicant, be postponed or may be tabled and such tabling or postponement may be granted by the Chairman of the meeting; provided that after the granting of two such postponements the members may vote to dismiss the subject application without prejudice. In such case that the applicant chooses to pursue the application, they must re-file it according to the requirements of the zoning ordinance or subdivision regulations.
- c. *PROCEDURE FOR STAFF INITIATED AGENDA ITEMS*
- Staff initiated agenda items shall be placed on the agenda by the Community Development Director and acted upon in accordance with these Rules and Procedures. Such items may be presented directly by staff or may be referred to the Board by the Board of Aldermen.
- e. *BOARD OF ZONING ADJUSTMENT SUPPORT AT BOARD LEVEL*
- On matters of major importance that are acted on by the Board of Zoning Adjustment and transmitted to the Board of Aldermen, it is appropriate to attend the Board of Aldermen meetings when such items are discussed to provide support of the Board of Zoning Adjustment action and recommendation.
- f. *ETHICAL PRINCIPLES OF THE PARKVILLE BOARD OF ZONING ADJUSTMENT AND STAFF*
- The Parkville Board of Zoning Adjustment has officially adopted the following principles to govern the conduct of its business. Should any questions arise about the interpretation and application of any of these principles, staff or the city attorney should be consulted.
1. **Serve the Public Interest.** The primary obligation of Board of Zoning Adjustment members and Community Development staff is to serve the public interest.
  2. **Support Citizen Participation in Adjustments.** Members and staff should encourage a forum for meaningful citizen participation and expression in the adjustments process and assist in clarifying community goals, objectives and policies.
  3. **Recognize the Comprehensive and Long-Range Nature of Adjustments Decisions.** Board of Zoning Adjustment members and planning staff must seek to balance and integrate physical (including historical, cultural, and natural), economic, and social characteristics of the community or area affected by adjustment decisions by gathering all relevant facts, considering responsible alternative approaches, and evaluating the means of accomplishing

- them. Board of Zoning Adjustments members and the Community Development staff should expressly evaluate foreseeable consequences before making a recommendation or decision.
4. **Expand Choice and Opportunity for All Persons.** Board members and the Community Development staff should strive to make decisions that increase choice and opportunity for all persons; recognize a special responsibility to plan for the needs of disadvantaged people; and urge that policies, institutions and decisions that restrict choices and opportunities be changed.
  5. **Facilities Coordination through the Adjustments Process.** Board of Zoning Adjustment members and the Community Development staff should strive to ensure that individuals and public and private agencies likely to be affected by a prospective adjustment decision receive adequate information far enough in advance of the decision to allow their meaningful participation.
  6. **Avoid Conflict of Interest.** Reference City of Parkville Municipal Code Chapter 107 Code of Ethics: To avoid conflict of interest and the appearance of impropriety, Board of Zoning Adjustment members who may receive some private benefit from a public adjustment decision must not participate in that decision. The private benefit may be direct or indirect, create a material personal gain, or provide an advantage to an immediate relation.
  7. **Render Thorough and Diligent Adjustment Service.** Should a Board of Zoning Adjustment member or members of staff believe he/she can no longer render service in a thorough and diligent manner, he/she should resign from the position. If a member has not sufficiently reviewed relevant facts and advice affecting a public adjustment decision, the member should not participate in that decision.
  8. **Not Seek or Offer Favors.** Board of Zoning Adjustment members and staff must not directly or indirectly solicit any gift or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, promises, or in some other form) under circumstances in which it could be reasonably inferred that the gift was intended or could reasonably be expected to be intended to influence them in the performance of their duties or that it was intended or could reasonably be construed to be intended as a reward for any recommendation or decision on their part.
  9. **Not Disclose or Improperly Use Confidential Information for Financial Gain.** Board of Zoning Adjustment members and staff must not disclose or use confidential information obtained in the course of their adjustment duties for financial or other gain.
  10. **Ensure Full Disclosure at Public Hearings.** Board of Zoning Adjustment members and staff members must ensure that the presentation of information on behalf of any party to an adjustment question occurs only at the scheduled public hearing on the question, not in private, unofficially, or with other interested parties absent. The official must make ex-parte information (received in mail, by telephone, or other communication) regarding the issue part of the public record.