

Article 3: Administrative

Part 1. Planning and Zoning Commission

Section 21: Appointment and Terms of Planning and Zoning Commission Members

The Planning and Zoning Commission, previously established by the County Commission, pursuant to Chapter 64.805 and 64.860, RSMo, does and shall consist of the County Highway Administrator and one resident appointed by the County Commission from the unincorporated part of each township of the County (the appointed members). The term of each appointed member shall be four (4) years or until his successor takes office. Vacancies may be filled for the unexpired term only. The term of the other members shall be for the duration of their tenure of their official positions. Appointed members may be reappointed to successive terms without limitation. [64.805]

Section 22: Meetings of the Planning and Zoning Commission

- A. The Planning and Zoning Commission shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in a timely manner.
- B. Since the Commission has decision making authority, it shall conduct its meetings in accordance with the procedures in Articles 3 and 4.
- C. Minutes shall be kept of all proceedings.
- D. All meetings shall be open to the public and the agenda shall be made available in advance of the meeting.

Section 23: Quorum and Voting

- A. A quorum for the Planning and Zoning Commission shall consist of a majority of the membership (excluding vacant seats). A quorum is necessary for the Commission to take official action.
- B. All actions of the Commission shall be taken by majority vote, a quorum being present.
- C. A roll call vote shall be taken upon the request of any member.

Section 24: Planning and Zoning Commission Officers

- A. The Commission shall elect its chairman and other officers annually, and shall have authority to employ such assistants and technical advisors as it considers necessary within the limits of its budget appropriations. [64.810]
- B. The officers may take part in all deliberations and vote on all issues.

Section 25: Powers and Duties of the Planning and Zoning Commission

- A. The Planning and Zoning Commission shall have the following powers and duties:
 - 1. To prepare and submit to the County Commission for its approval a master plan for the physical development of the County and recommend amendments of said plan from time to time as it deems in the County's best interest; [64.815]

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2. To prepare, adopt and recommend to the County Commission for enactment as to the location, height, width, and bulk of buildings and other structures, and land as it shall determine to be necessary or desirable for the promotion of the health, safety, and general welfare of the inhabitants of the County;
 3. To consider all requests for conditional use permits and subdivision approval in the manner prescribed herein;
 4. To make recommendations to the County Commission on its own initiative or upon the request of the County Commission to amend, supplement, change or repeal these regulations or any part thereof;
 5. To initiate from time to time a comprehensive review of the provisions of these regulations and to make written reports of its findings and recommendations to the County Commission. The Planning and Zoning Commission shall present a written annual report to the County Commission. This annual report shall contain any recommendations of the Planning and Zoning Commission concerning these regulations as well as a summary of its activities during the past year and its recommendations on the County's development goals for the future.
- B. The Planning and Zoning Commission may adopt rules governing its procedures and operations not inconsistent with the provisions of these regulations. [64.810]

Section 26: Advisory Committees

- A. From time to time, the County Commission may appoint one or more individuals to help the Planning and Zoning Commission carry out its planning responsibilities with respect to a particular subject area. By way of illustration, without limitation, the County Commission may appoint advisory committees to consider the thoroughfare plan, bikeway plans, housing plans, economic development plans, etc.
- B. Members of such advisory committees shall sit as nonvoting members of the Planning and Zoning Commission when such issues are being considered and lend their talents, energies, and expertise to the Commission. However, all formal recommendations to the County Commission shall be made by the Planning and Zoning Commission.
- C. Nothing in this section shall prevent the County Commission from establishing independent advisory groups, committees, or commissions to make recommendations on any issue directly to the County Commission.

Part 2. Board of Zoning Adjustment

Section 27: Appointment and Terms of Board of Zoning Adjustment Members

- A. A board of Zoning Adjustment (the Board) has previously been established pursuant to Section 64.870 RSMo. The Board membership shall consist of five (5) residents of the County, but not more than two shall be residents of the incorporated area of the county and not more than one member may be a member of the county zoning commission.
- B. The membership of the first Board appointed shall serve respectively: one for one (1) year, one for two (2) years, one for three (3) years, and two for four (4) years. Thereafter, members shall be appointed for terms of four (4) years each. Members shall be removable and vacancies shall be filled in accordance with Section 64.870 RSMo.

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- C. Members may be reappointed to successive terms without limitation.
- D. Members may be removed by the County Commission at any time for failure to attend three consecutive meetings or for failure to attend 30 percent of the meetings within any 12 month period or for any other good cause related to performance of duties. [64.870]
- E. If a member moves outside the unincorporated Franklin County, that shall constitute a resignation from the board, effective upon the date a replacement is appointed.
- F. After the effective date of these regulations, no member of the Board of Zoning Adjustment shall also be a member of the Planning and Zoning Commission.

Section 28: Alternates

There shall be two (2) alternate members appointed to the Board of Zoning Adjustment. In the event of a member's absence, either alternate shall be selected to fill in for that member at a Board meeting. In such a case, the alternate will have the same powers and duties as a regular member. The alternate members shall be citizens who shall be registered voters and residents of Franklin County for at least one (1) year prior to the appointment.

Section 29: Meetings of the Board of Zoning Adjustment

- A. The Board shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in a timely manner.
- B. The Board shall conduct its meetings in accordance with the procedures set forth in Articles 3 and 4.
- C. All meetings of the Board shall be open to the public, and the agenda for shall be made available in advance of the meeting.

Section 30: Quorum

- A. A quorum for the Board shall consist of the number of members equal to four-fifths of the board membership (excluding vacant seats). A quorum is necessary for the Board to take official action.
- B. A member who has withdrawn from the meeting without being excused as provided in Section 30 shall be counted present for purposes of determining whether a quorum is present.

Section 31: Voting

- A. All actions of the Board shall be taken by a concurring vote of four-fifths of the board membership shall be necessary to reverse any order, requirement, decision, or determination of the Administrator or to decide in favor of the applicant any matter upon which it is required to pass or to grant any variance.
- B. Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with Subsection 3 or has been allowed to withdraw from the meeting in accordance with Subsection 4.
- C. A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
 - 1. If the member has a direct financial interest in the outcome of the matter at issue, or
 - 2. If the matter at issue involves the member's own official conduct, or

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3. If participation in the matter might violate the letter or spirit of a member's code of professional responsibility, or
 4. If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.
- D. A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.
- E. A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.
- F. A roll call vote shall be taken upon the request of any member.

Section 32: Board of Zoning Adjustment Officers

- A. At its first regularly scheduled meeting in May, the Board shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairman and preside over the Board's meetings and one member to serve as vice-chairman. The persons so designated shall serve in these capacities for terms of one year. Vacancies may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats). [64.870]
- B. The chairman or any member temporarily acting as chairman may administer oaths to witnesses coming before the Board.
- C. The chairman and vice-chairman may take part in all deliberations and vote on all issues.

Section 33: Powers and Duties of the Board of Zoning Adjustment

- A. The Board shall hear and decide:
1. Appeals from any order, decision, requirement, or interpretation made by the Planning Director or Zoning Enforcement Officer, as provided for in Section 101, Subsection C. [64.870(1)]
 2. Applications for variances, as provided in Section 102. [64.870(3)]
 3. Any other matter the Board is required to act upon by any other county regulation or state law. [64.870(2)]
- B. The Board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of these regulations. [64.870]

Part 3. Planning Director and Zoning Enforcement Officer

Section 34: Planning Director

- A. The County Commission shall appoint a Planning Director. The Planning Director shall be an employee of Franklin County, subject to the personnel policies established by the County Commission.

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- B. The Planning Director shall be the administrative head of the Planning and Zoning Department. He/she shall be responsible for the day-to-day operations of the Department, the administration of these regulations, and the hiring/firing of such staff as the budget process allows.

Section 35: Zoning Enforcement Officer

- A. A Zoning Enforcement Officer shall, pursuant to Chapter 64.865 RSMo, be appointed by the County Commission to enforce the provisions of these regulations. Such officer shall be an employee of Franklin County, subject to the personnel policies established by the County Commission
- B. The Zoning Enforcement Officer shall investigate all written, signed and sworn complaints alleging a violation of these regulations.
- C. For the enforcement of the regulations, see Article 5.

Part 4. County Commission

Section 36: The County Commission

- A. In considering proposed changes to the text of these regulations or in the zoning map, the County Commission acts in its legislative capacity.
- B. Unless otherwise specifically provided in these regulations, in considering amendments to these regulations or the zoning map, the County Commission shall follow the regular, voting, and other requirements as set forth in other provisions of county codes or general law.

Sections 37 through 75: Reserved