

**BYLAWS OF THE
JEFFERSON COUNTY, MISSOURI,
BOARD OF ZONING ADJUSTMENT**

Adopted 2/5/15

Section 1. Membership. As set forth in Section 64.870, RSMo, as amended, the Jefferson County, Missouri, Board of Zoning Adjustment (hereinafter, sometimes the "Board") is to be composed of five (5) members appointed for terms of four (4) years each and re-appointed in the case of vacancies, by the County Executive with the advice and consent of the County Council. Members of the Board shall be removable for cause by the County Council upon written charges and after public hearings. Members shall serve until removed, replaced or reappointed. The Board must consist of residents of Jefferson County, Missouri and:

1. Not more than two (2) members of whom shall be residents of incorporated areas of Jefferson County and;
2. Not more than one (1) member of the County Planning and Zoning Commission.

Section 2. Powers. The Jefferson County, Missouri, Board of Zoning Adjustment shall have the following powers and it shall be the Board's duty:

1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Official in the enforcement of the Unified Development Order (hereinafter, the "UDO")
2. To hear and decide all matters referred to the Board or which the Board is required to determine under the UDO;
3. To vary or modify the application of any of the regulations or provisions of Article 5 of the UDO, so as to relieve demonstrable difficulties or hardships.
4. To vary the accessory uses and accessory structures regulations set forth in the UDO, in accordance with exceptional conditions for granting a variance;
5. To vary the parking and loading regulations set forth in the UDO, in accordance with exceptional conditions for granting a variance;
6. To vary the signage regulations set forth in the UDO, in accordance with exceptional conditions for granting a variance;
7. To hear and decide appeals to the Zoning Official's determination of the existence of nonconforming uses, as set forth in the UDO;

Section 3. Meetings. The Jefferson County, Missouri, Board of Zoning Adjustment shall conduct its regular meetings on the second Thursday of each month. Meetings shall begin at 4:00 p.m. if a quorum is then present, except for days on which nothing appears on the agenda of the Board for discussion or consideration. Regular meetings of the Board shall be held in the Assembly Room of the Jefferson County

Administration Center, located at 729 Maple Street, Hillsboro, Missouri. The Board may hold meetings at other dates, times or locations should the need arise. All meetings of the Board shall be open to the public.

Section 4. Special Meetings. Special meetings of the Board may be called by the Chair of the Board or a majority of the serving Board members, provided the meeting meets the required public notification.

Section 5. Quorum. A majority of the serving Board members constitutes a quorum for the conducting of Board meetings. If a quorum is not present at a Board meeting, the only matter upon which the Board may act is to adjourn the meeting to the next regular Board meeting date.

Section 6. Preparation and Form of Agenda. An agenda for Board meetings shall be prepared by the Planning Division. Every agenda shall contain a brief description of all matters to be considered or discussed at the meeting, which shall include the following in the order listed:

1. Roll call to determine if a quorum is present
2. Approval of the Agenda for the meeting
3. Approval of the Minutes of the previous meeting
4. Swearing in of the Witnesses
5. Introduction of the evidence pertaining to the cases on the agenda
6. Old Business (being all matters considered or discussed at a previous meeting on which no action has been taken or which have been continued to the current meeting.)
7. New Business (being all matters to be considered or discussed that are not Old Business.)
8. Reports to the Board by the Director of County Services and Code Enforcement (on matters as the Director deems appropriate or the Board may direct from time to time)
9. Execution of Orders
10. General comments from the Public
11. Adjournment

Section 7. Order of Business. The order of business at meetings of the Board shall be to take up the items on the posted agenda, in order. The order of items on the agenda may be amended upon motion by any member of the Board. Upon a second, and upon an affirmative vote of Board members present, the order of items on the agenda shall be amended. Except for consideration of emergency matters permitted by the Missouri Sunshine Law, no item of business shall be discussed unless the item was listed on the agenda.

Section 8. Rules for Public Hearings. The following rules shall apply to the taking of testimony and evidence in each public hearing at a meeting of the Board concerning variance and other requests heard by the Board:

1. All persons who testify or present evidence, other than members of the Planning Division staff, shall be sworn. All documents submitted as evidence shall be marked with sequential identifying numbers.
2. The first persons to be heard shall be the planning staff, who shall explain the matter to the Board and report to the Board on the investigations and recommendations of the staff.
3. When the planning staff has finished their presentation and report, the members of the Board shall have the opportunity to ask questions of the staff about the matter.
4. When the members of the Board have no further questions of the planning staff, the applicant and the applicant's representative (if present) shall have five (5) minutes to testify and present evidence to the Board concerning the matter.
5. When the applicant and the applicant's representatives have finished their testimony and presented their evidence, or when their time has elapsed, the members of the Board shall have the opportunity to ask them any matter relevant to the matter being considered.
6. When the members of the Board have no further questions for the applicant and the applicant's representatives, members of the public present at the meeting shall have fifteen (15) minutes to present testimony and evidence concerning the matter being considered.
7. When each member of the public has finished their testimony and presented any evidence, or when time has elapsed, the members of the Board shall have the opportunity to ask any matter relevant to the matter being considered.
8. When the members of the Board have no further questions for members of the public who testify or present evidence, the applicant and the applicant's representatives shall have five (5) minutes to rebut the testimony and evidence presented by members of the public.
9. When the applicant and the applicant's representatives have finished their rebuttal, or when their time for doing so has elapsed, the Board shall deliberate and take action on the matter and in the course of doing so may further question the planning staff, the applicant and the applicant's representatives and the members of the public.

Section 9. Election of Officers. At the January meeting of the Board every year, the Board must elect a Chairperson and a Vice-Chairperson from among the Board members. The Chairperson and Vice-Chairperson are to serve at the pleasure of the Board and may be removed from their respective positions of Chairperson and Vice-Chairperson upon majority vote of the entire Board.

Section 10. Presiding Officers. The Chair of the Board is to preside over all meetings and hearings of the Board. In the absence of the Chair, the Vice Chair is to preside over Board hearings. The duties of the officers of the Board shall be as follows:

Chairperson

The Chairperson shall preside at all meetings of the Board and enforce its rules for hearings and deliberations.

The Chairperson shall sign documents on behalf of the Board or to evidence action by the Board.

Vice-Chairperson

During the absence of the Chairperson, the Vice-Chairperson shall perform all the duties of the Chairperson.

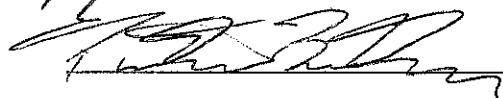
A member of the planning staff shall serve as the Recording Secretary.

Section 11. Required Vote for Action. Any action taken by the Board with regard to the powers set forth in Section 2 of these Bylaws shall be pursuant to an affirmative vote of a majority of all board members, such that no less than three (3) votes shall be required. All other matters shall require a majority vote of those members actually in attendance at a meeting of the Board. Any motion to table or otherwise continue any matter before the Board shall require a majority vote of those members actually in attendance at a meeting of the Board.

Section 12. Amendment of Bylaws. These Bylaws may be amended upon a motion duly made, seconded and affirmatively passed by a majority of the serving members of the Board.

Section 13. Effective Date. These Bylaws shall be in full force and effect from and after the date of their adoption. If any part of these Bylaws is invalid for any reason, such invalidity shall not affect the remainder of these Bylaws.

The undersigned Chairman of the Jefferson County Board of Zoning Adjustment hereby certifies that the foregoing are the bylaws of the Jefferson County Board of Zoning Adjustment as adopted by the Board of Zoning Adjustment by majority vote of its members present at a meeting on 2/5/15 at which a quorum was present.

 _____, Chairman