CITY OF DARDENNE PRAIRIE
2032 HANLEY ROAD
DARDENNE PRAIRIE, MO 63368

PLANNING & ZONING COMMISSION
AGENDA
AUGUST 13, 2014
7:00 P.M.

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor Fogarty
Alderman Koch
Commissioners:
- Fine
- King
- Owens
- Collins
- Claspille
- Donahue
- Etzkorn
- Brockmann

OPEN FORUM

OLD BUSINESS

1. Review of Bylaws

2. Amendments to various provisions of Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri, pertaining to regulations relating to zoning, land use and wireless communication services and infrastructure within the City.

APPROVAL OF MINUTES
Approval of 07-09-14 Minutes

COMMISSION COMMUNICATIONS

ADJOURNMENT

BY-LAWS

OF THE

DARDENNE PRAIRIE PLANNING AND ZONING COMMISSION

ARTICLE I

The objectives and purposes of the Planning and Zoning Commission of the City of Dardenne Prairie, Missouri are those set forth in Chapter 89.010 to 89.480 of the Missouri Revised Statutes, 1959 (Laws 1963) and amendments and supplements thereto, and those powers and duties delegated to the Planning and Zoning Commission by the Dardenne Prairie Board of Aldermen pursuant to Sections 400.005 to 400.110 of the Municipal Code of the City of Dardenne Prairie, Missouri, in accordance with the State enabling legislation.

ARTICLE II

Organization of Commission

Section 1. The Commission shall consist of not more than fifteen (15) nor less than seven (7) citizen voting members, including the Mayor, if the Mayor chooses to be a member; a member of the Board of Alderman selected by the Board, if the Board chooses to have a member serve on the Commission; and not more than fifteen (15) nor less than five (5) citizens appointed by the Mayor and approved by the Board of Aldermen.

Section 2. The City Administrator, City Engineer, Building Inspector, or similar officials shall serve in an ex-officio capacity and shall not be entitled to a vote on Commission matters.

Section 3. Any vacancy in a membership shall be filled for the unexpired term by appointment as provided in Section 1 above.

Section 4. The terms of the appointed members shall be for four years with the terms of the members first appointed varied, so that succeeding terms will be staggered.

Section 5. After public hearing, the Board of Aldermen may remove any citizen member for cause stated in writing and after public hearing.

Section 6. Citizen members shall serve without compensation.

ARTICLE III

Officers and their Duties

Section 1. The officers of the Commission shall be elected by the Commission members and shall consist of a Chairman, a Vice-Chairman, and a Secretary, from amongst the citizen members of the Commission. Each officer shall be appointed for one year terms with eligibility

for re-election.

Section 2. The Chairman of the Commission shall have the following duties.

(a) To preside at all meetings and hearings of the Commission;

(b) To appoint all members of committees of the Commission;

(c) To have general charge of the activities of the Planning Commission and to generally oversee the conduct of the affairs of the Commission;

(d) To call special meetings of the Commission;

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

(f) Engage in other activities as directed by the Commission.

Section 3. The Vice-Chairman shall act for the Chairman in his absence, and shall have the duties as expressed in the above section in the absence of the Chairman.

Section 4. The Secretary shall perform such duties and have such powers as may be assigned to the Secretary by law, the Commission or these By-Laws.

Section 5. The officers of the Commission shall perform such other duties as may from time to time be prescribed by the Commission.

ARTICLE IV

Election of Officers

Section 1. All officers shall be elected by the Commission.

Section 2. Nomination of officers shall be made from the floor at the annual organizational meeting which shall be held on the first meeting in December. Elections shall follow immediately thereafter. Terms shall begin the first meeting in January of each year.

Section 3. A candidate receiving a majority vote of the entire membership of the Commission shall be declared elected and shall serve for one year or until his successor has been duly elected and qualified.

Section 4. Any officer elected by the members of the Commission may be removed at any time without cause by the affirmative vote of the majority of the entire membership of the Commission. Any vacancy occurring in any office shall be filled for the unexpired term thereof by the members in the same manner as provided for elections.

ARTICLE V

Meetings

Section 1. Regular meetings will be held on the first Wednesday of each month at City Hall. Notwithstanding the foregoing, beginning January 1, 2008, regular meetings of the Commission will be held on the second Wednesday of each month at City Hall.

Section 2. Five (5) members of the membership of the Commission shall constitute a quorum, and the number of votes necessary to transact business shall be a majority of those members in attendance. Each member entitled to one (1) vote. A record of the vote shall be kept as part of the minutes.

Section 3. Special meetings may be called by the Chairman. It shall be the duty of the Chairman to call such a meeting when requested to do so by a majority of the entire members of the Commission. The notice of such a meeting shall specify the purpose of such a meeting and no other business may be considered except by majority consent of the entire membership of the Commission. The Chairman shall notify all members of the Commission no less than 24 hours in advance of said special meeting, and such notice shall comply with the provisions of Chapter 610 RSMo. Notice may be made by letter sent via United States Mail, in-person, phone or e-mail. The requirements of notice may be waived by the members of the Commission, and the attendance of a member at a special meeting shall be deemed a waiver of the notice requirements.

Section4. All meetings shall be open to the general public.

Section 5. A record of the Commission's proceedings at all regular and special meetings shall be kept, and such records shall be public records.

Section 6. The Commission shall conduct meetings in accordance with HENRY M. ROBERT III, ET.AL., ROBERT'S RULES OF ORDER NEWLY REVISED, (10th ed., Perseus Publishing 2000), or any subsequent addition thereof.

ARTICLE VI

Order of Business

The order of business at regular meetings shall be:

a. Call to Order
b. Pledge of Allegiance
c. Roll Call
d. Open Forum
e. Public Hearings

f. New Business
g. Old Business
h. Approval of Minutes
i. Commission Communications
j. Adjournment

ARTICLE VII

Committees

The Chairman may, with the consent of the Commission, establish a Committee. The Chairman may appoint members of the Commission to serve on the Committee. Non-Commission members may be appointed to the Committee by the Chairman with approval by the Commission.

ARTICLE VIII

Operating Funds

The Commission's expenditures of municipal funds or use of municipal resources shall not exceed the amounts annually appropriated by the Board of Aldermen.

ARTICLE IX

Code of Ethics

Section 1. In addition to the requirements of Chapter 135 of the Municipal Code of the City of Dardenne Prairie, Missouri, action by any member of the Commission with respect to any matter which is or may be the subject of an official act or action(s) of the Commission shall be determined to be a conflict of interest under the following provisions:

(a) Soliciting, accepting or granting a present of future gift, favor, service, employment, or thing of value from a person or business involved in any action before the Commission;

(b) Having an interest in any business entity or person representing, advising or appearing on behalf of, whether paid or unpaid, any person involved in any action before the Commission; and

(c) Having encouraged or made communication, outside the standard conduct of their duties as a member of the Commission, with a person or business involved in any action before the Commission prior to action being taken by the Commission.

Section 2. The City Engineer shall be exempt from the requirements of Section 1 (c).

Section 3. In the event that any member of the Commission shall have a conflict of interest, the individual shall be disqualified to act in any capacity in said matter, and shall inform the Commission Chairman of the conflict of interest prior to involvement in said matter by the individual.

ARTICLE X

Hearings

Section 1. In addition to those required by law, the Commission may at its discretion hold public hearings when it decides that such hearings will be in the public interest.

Section 2. Notice of such hearings shall be published in a newspaper having general circulation in the municipality at least fifteen (15) days prior to the time of the hearing. The hearing may be adjourned from time to time.

Section 3. The case before the Commission shall be presented in summary by the Petitioner and City Staff. Parties interested shall have the privilege of the floor.

Section 4. A record shall be kept of those speaking before the Commission. Such information shall include the speakers name, address and telephone number.

ARTICLE XI

Amendments

These By-Laws may be amended by a two-thirds vote of the entire membership of the Planning and Zoning Commission.

Passed and approved by the Planning and Zoning Commission this _____ day of _____ 2007.

_____
Chairman

ATTEST:

_____
Secretary

City/County	Minutes per Speaker	Total/per topic	Topic	Shared Time/Increased Time	Reserving Time to Speak
Cottleville	5 min. per person, group or entity	None	Any	Mayor may require group to be represented by one person. Mayor may extend time	None
Lake St. Louis	5 min. per speaker	None	Any	Increase if permitted by the Mayor or Board	None
O'Fallon	5 min. per speaker	None	Must be germane to the business of the City	May withdraw opportunity for public comment	Prior to Mayor's Report.
St. Charles City	3 min. per speaker 10 min. for applicant or applicant's representative during public hearing	None	Any	Extension of time may be permitted by majority of the City Council	Prior to the Start of the meeting.
St. Charles County	3 min. per speaker	18 min. per topic	Any	No	Prior to the start of the meeting.
St. Peters	3 min. per speaker	18 min. per topic	Any	No	Prior to the start of the meeting.
Wentzville	5 min. per speaker	None	Concerning any matter of the City's business or any matter over which the Board has control	No	None

THE ST. CHARLES COUNTY COUNCIL

RULES

As amended January 11, 2005

RULE ONE. Charter Authorization and Control.

The St. Charles County Charter, enacted April 7, 1992, authorizes the County Council to determine its own rules and order of business (Article Two, Section 2.903). In all cases of interpretation of these rules, the provisions of the Charter are controlling.

RULE TWO. Robert's Rules.

Robert's Rules of Order, latest revision, shall govern conduct of meetings of the Council except when the Charter, the Laws of Missouri or these Rules are to the contrary. The County Clerk shall retain a copy of these Rules of Order.

RULE THREE. Definitions

A. For the purpose of these Rules, the phrase "majority of the County Council" shall equal four members of the County Council, if all members are present and voting.

B. For the purpose of these Rules, the phrase, "two thirds of the County Council" shall equal five members of the County Council, if all members are present and voting.

C. For the purpose of these Rules, the term "quorum" means a majority of all Council Members which would equal four members of the County Council.

RULE FOUR. Quorum.

A. The Chair of the Council shall take the chair at the time set for a meeting and immediately call the members to order. The County Clerk or his designated deputy shall call the roll. Upon the appearance of a majority of members, (Articles Two, Sec. 2.902), the Council may proceed with its meeting.

B. A majority of the members of the Council shall constitute a Quorum, but a smaller number present at any meeting where there is not a quorum may adjourn from day to day or to a certain day.

RULE FIVE. Election of Officers – Method.

A. The County Council shall, at its first meeting in January each year, elect from among its Council Members, officers of the Council who shall have the titles of Chair and Vice-Chair of the Council. Each shall serve at the pleasure of the Council. (Article Two, Section 2.801).

B. The elections of the Chair and the Vice-Chair of the Council shall be by open roll call vote. Elections shall be by a majority of those present and voting. The Chair and the Vice-chair shall take up their duties immediately upon their election as officers.

C. The Chair of the Vice-Chair may only be removed using the same procedures as a bill.

RULE SIX. Chair -- duties and powers.

A. The chair shall preside at all meetings of the Council; have a voice and vote on all questions before it; and have authority to: preserve order at Council meetings, enforce the rules of the Council, determine the order of the Council business under the rules of the Council; and call special meetings and executive sessions of the Council as needed. (Article Two, Sec. 2.802)

B. The Chair shall confine members in debate to the question under discussion and when two or more members seek recognition at the same time, decide who shall be first heard. He shall decide all questions of order subject to an appeal made by two members from his decision. Any appeal shall be decided without debate except the member appealing shall be permitted to state his reason therefor and the Chairman; to reply thereto. Appeals shall be decided by a two thirds vote of the Council Members present and voting.

C. The Vice-Chair shall perform these functions in the Chair's absence. (Article Two, Sec. 2.803)

D. The Chair shall appoint all members of all committees of the Council and may designate one as the Chair of the committee.

E. The Chair must temporarily surrender the Chair to debate a particular motion. He may resume the Chair after disposition of that motion.

F. In the absence of the Chair and Vice-Chair, the Council shall select from its membership, by majority present and voting, a presiding officer who shall perform all the duties of the Chair and Vice Chair.

RULE SEVEN. County Clerk and the Council

A. The County Clerk of St. Charles County shall serve as clerk to the Council and maintain its records (Article Four, Section 4.503.4). The records of proceedings of the Council shall be kept by the County Clerk as follows:

(i) Journal. The Journal shall consist of entries which will show the items of business transacted by the Council. A bill shall be entered in the journal by title and number when it is introduced, when it is perfected and when it is finally passed. The number assigned to an ordinance shall be entered at the time it is enacted. On the final passage of any ordinance or resolution or any other question the yeas and nays shall be entered by name on the journal (Article Two, Sec. 2.602). Resolutions shall be given a short title by the County Clerk when they are introduced and this title shall be entered in the journal each time thereafter when any action is taken by the Council relative to such resolution or order. A copy of the journal of each meeting shall be delivered by the County Clerk to each member of the Council and the County Executive on the date following such meeting or as soon thereafter as possible and copies shall be made available to the public. The County Clerk shall keep a book which shall be entitled "Journal of the County Council _____(year)." The original copy of the journal of the Council, signed by the Chair of the Council and attested by the County Clerk, shall be maintained in said book in the offices of the County Clerk.

(ii) Ordinances and Resolutions. The Clerk shall maintain a book entitled 'Ordinances and Resolutions of St. Charles _____(year)," in which shall be recorded the official copy of the ordinances and resolutions enacted, and the County Clerk shall attest thereon that the same is a true and correct copy of the ordinances as enacted. The original copy of an ordinance shall be signed by the Chair of the Council, or in the absence of the Chair, the Vice Chair or temporary Chair of the specific meeting at which the ordinance as passed, and the County Executive, and attested by the County Clerk and shall be retained by the County Clerk in the official files of the County Council. The original copy of a resolution shall be signed by the Chair of the Council, or in the absence of the Chair, the Vice Chair or temporary Chair of the specific meeting at which the resolution was passed, and attested by the County Clerk and shall be retained by the County Clerk in the official files of the County Council.

RULE EIGHT. County Employees and the Council

A. Except for the purpose of inquiries and investigations, the County Council shall deal with County officers and employees who are subject to the direction and supervision of the County Executive solely through the County Executive. Neither the Council nor its Members shall give orders to any such officer or employee, either publicly or privately. (Article Two, Section 2.1203).

B. The County Counselor shall prepare, or approve as to form, all leases, deeds, contracts, bonds, Ordinances, rules, regulations, drafts of legislation, and other instruments (Article Four, Section 4.602.5). Request for the services of the County Counselor to prepare bills, draft legislation, and render legal opinions, will be made by the Chair. The Chair will notify the county Executive of all such requests made of the County Counselor.

C. The County Counselor shall, upon request, furnish legal advice and opinions to the Council, the County Executive, county officials, and to all County boards and Commissions, respecting County business (Article Four, Section 4.602.7).

RULE NINE. Standing and Ad Hoc Council Committees.

A. Establishment. Standing committees of the Council shall be composed of a given number and named as prescribed by ordinance. The ordinance shall list the areas of responsibility for each standing committee. Adoption or change of an ordinance establishing standing committee shall require a two-thirds vote of all Council Members present and voting.

B. Appointment. The standing committees shall be filled by appointment by the fourth regular meeting of the Council each year. All committee appointments are effective until replacement and substitutions are made, which shall occur no later than the fourth regular council meeting of the following year.

C. Chair. When the Chair of the Council makes appointments or reappointments to a standing committee, the Chair may designate one member as its Chair. If the Chair of the Council should not designate a standing committee Chair, the

committee shall elect its own Chair. Such election precludes later designation of the Committee Chair by the Chair of the Council.

D. Ad Hoc Committees. The Chair of the Council or two thirds of the Council by resolution may create ad hot committees as the need arises. The Chair of the Council shall designate one member as Chair of the ad hoc committee, appoint committee members and shall inform each ad hot committee of the purpose and task of the committee. An ad hoc committee shall be disbanded upon the completion of its task or upon the County Council's receipt of its final report.

RULE TEN. Standing and Ad Hoc Committees – Operations.

A. Operations. The Chair of the committee shall call and preside at all meetings of the committee. The Chair of a committee will sign all reports of the committee. The Chair of a committee will sign all reports of the committee submitted to the County Council as a whole. If the Chair of the committee is not present at a meeting with a quorum, the members in attendance will select a temporary Chair to preside over the meeting.

B. No committee report shall be considered at a meeting of the County Council unless copies of the report were distributed to all Council Members and the County Executive at least three business days preceding the meeting, with the exclusion of accounts and claims.

C. Attendance. The Chair of each committee shall maintain membership attendance records. Whenever a Council Member shall be absent without excuse

from more than four consecutive regularly scheduled meetings of any committee to which the Council Member has been appointed, and said absences are duly noted in the minutes of that committee, the Council Member shall automatically be dropped from membership on the committee. The Chair of the committee shall report such action to the Chair of the Council and another member shall be appointed by the Chair of the Council within ten days. An absence is "excused" when the Chair or a majority of the members then attending a meeting shall note their excuse of the absence in the minutes of that meeting or the next meeting immediately following that meeting.

D. The quorum of a committee shall be a simple majority of those appointed to it.

RULE ELEVEN. Regular Meetings.

A. The Council shall hold its first regular meeting on the second Monday of each month. If the second Monday is a County holiday, the meeting shall be held on the following Tuesday, at the same time as regularly scheduled.

B. The Council shall hold its second regular meeting on the last Monday of each month.

C. Either of the regular meetings may be changed to date and time established by a majority of those present and voting.

RULE TWELVE. Special Meetings.

A. The Chair may call a special meeting of the Council by notifying the County Clerk of the purpose, time and place of the meeting. In addition, five members

of the Council Members may call a special meeting by notifying the Clerk in writing of the purpose, time and place of the meeting. Thereupon, the County Clerk shall notify all members and the County Executive of the meeting. The method of notice is the option of the County Clerk. Notice must be used at least twenty-four hours before the time set for the special meeting. (Article Two, Sec. 2.901)

B. Emergency meetings may be held as provided by the Missouri Open Meeting Law in effect at the time. All meetings shall be open to the public except as prescribed by applicable law. (Article Two, Sec. 2.901)

RULE THIRTEEN. Agenda and Order of Business.

A. Agenda Formation. The Chair in conjunction with the County Clerk, shall prepare the agenda on the Thursday preceding each regular meeting of the County Council. All items for consideration for inclusion on the agenda should be submitted to the Clerk of the Council by 8 A.M. on the same Thursday. All items of business shall be listed by a short title. A short title is a simple, one sentence statement of the purpose and content of the item. The County Clerk shall mail, fax, or have delivered one copy of the agenda to each Council Member no later than three days preceding each regular meeting of the Council. The County Clerk shall make copies available to the public.

B. Items of business on the agenda for the last regular meeting of any year, not acted upon prior to the end of the year, shall be carried over to the agenda for the first regular meeting of the succeeding year.

C. Items Absent from the Agenda. No bill shall be passed or perfected and no resolution shall be passed at any meeting unless said bill or resolution is included on the agenda prepared for that meeting.

D. Order of Business. The Order of Business at all regular meetings of the County Council shall be essentially in the same form as follows:

(1) Invocation.

(2) Pledge of Allegiance.

(3) Roll Call.

(4) Public Comments.

(5) Public Hearings.

(6) Oral Report of County Executive (at the request of the Council).

(7) Reading of Written Petitions, Memorials and Remonstrances.

(8) Consent Agenda

a. Approval of Journal of the previous meeting

b. Receipt of Committee Reports

c. Receipt of Reports from Boards or Commissions

d. Receipt of Written County Executive Reports and Orders

e. Receipt of requested staff reports

f. Approval of Bids

g. Approval of Preliminary Plats

h. Approval of Nominations/Appointments

i. Miscellaneous (when applicable)

9. Items Removed from Consent Agenda.

10. Resolutions.

11. Emergency Bills.

12. Bills for Perfection/Final Passage.

13. Bills for Introduction.

14. Tabled Bills.

15. Announcements/Miscellaneous by Council Members.

16. Closed Session, if requested (may be scheduled prior to Council meeting)

E. Order of Business at special council meetings. At special meetings, the order of business shall be as follows:

(1) Roll call and message or statement from the Chair, or the Executive as recognized by the Chair, as to the cause of convening the council in special session.

(2) Consideration and disposition of the business mentioned in said message or statement.

(3) Adjournment.

RULE FOURTEEN. Consent Agenda

An item on the consent agenda is not debatable unless it is subsequently removed from the consent agenda. If there is to be debate or comment on an item, it must be removed from the consent agenda upon the request of one council member with the concurrence of one other Council Member. After approval of the consent agenda, items removed from the consent agenda may be debated, discussed and voted on individually.

RULE FIFTEEN. Public Comments

A. At the regular and special sessions of the County Council, public comments will be allowed. Each verbal petitioner is allowed three minutes to speak, with a total of 18 minutes per topic. Pro and Con speakers on each topic will alternate if present. The Chair will be responsible for enforcing the time limits.

B. Petitions shall be received and referred to committee or to the miscellaneous section of the order of business.

RULE SIXTEEN. Public Hearings.

A. Public hearings shall be held at the meetings of the County Council. Upon completion of the public hearings, the County Council will continue with the regular order of business.

RULE SEVENTEEN. Bills and Resolutions – introduction.

A. Bills and resolutions shall be introduced by a Member of Members of the County Council or by the County Council as a whole. Bills and resolutions requested by the County Executive shall be introduced by the Chair of the Council. Each shall be in written or printed form, and shall be read aloud in its entirety the first time, or if more than four pages in length, the first reading may be by the title only if written copies are provided with the agenda. Before passage and thereafter, the bill may be referred to by title for the perfection reading and final passage. The

enacting clause of all bills shall be "Be It Ordained by the County Council of St. Charles County, Missouri." (Article Two, Sec. 2.601)

B. Upon introduction of a bill, such bill shall be numbered beginning with the first bill introduced. Upon introduction of a resolution, such resolution shall be numbered beginning with the first resolution introduced.

C. With regard to a bill which amends an existing ordinance, no section or sections of any ordinance shall be amended unless the section or sections amended shall be set forth as amended.

D. A bill that has been introduced shall be placed on the perfection/final passage order of business at the next succeeding regular meeting of the Council, unless assigned to a committee.

E. Bills can be assigned to the appropriate committee by the Chair of the Council. If a sponsor of the bill objects to the assignment to that particular committee, the sponsoring member may move for reassignment to some other designated committee. Passage of such a motion for reassignment requires a two thirds majority of those present and voting.

F. No written resolution shall be presented a meeting of the County Council unless provided with the agenda for the meeting at which said resolution is to be presented.

G. Resolutions can be assigned to the appropriate committee by the Chair of the council. If a sponsor of the resolution objects to the assignment to that particular committee, the sponsoring member may move for reassignment to some other

designated committee. Passage of such a motion requires two thirds majority of those present and voting.

RULE EIGHTEEN – Bills – perfection.

A. During the perfection of bills, amendments to bills may be adopted by majority vote of the members present, provided that no amendment shall be adopted that is not germane to the original purpose of the bill. The bill shall be then perfected by a majority vote of the members present.

B. A bill that has been perfected shall be considered for final passage immediately upon its perfection or at the next succeeding regular meeting of the Council.

RULE NINETEEN. Bills and Resolutions – passage.

A. An affirmative vote of a majority of the County Council shall be necessary to pass any bill. An affirmative vote of a majority of the County Council, present and voting, shall be necessary to pass any resolution. No final vote by the County Council shall be taken until the expiration of at least 10 working days from the time that such bill was first introduced. Upon the final passage of any bill or any resolution, and on any other questions, the yeas or nays of each Member shall be entered on the Journal of the County Council. (Article Two, Sec. 2.603)

B. Upon final passage of a bill, the bill becomes an ordinance and shall be given a number preceded by the designation of the year in which it was finally passed.

C. Upon final passage of a bill, the bill becomes an ordinance and shall be given a number preceded by the designation of the year in which it was finally passed.

D. All bills passed by the County Council shall, within five working days, be presented to the County Executive. If the County Executive approves the bill and signs it, the ordinance shall be deemed enacted.(Article Two, Sec. 2.604)

E. Any bill not returned by the County Executive within ten working days after it shall have been so presented shall be deemed approved, as if signed. (Article Two, Section 2.604.4)

F. Passage of resolutions shall be by open roll call vote and shall require a majority of the County Council (Article Two, Sec. 2.602). A resolution may be adopted at any time after its introduction.

RULE TWENTY. Emergency Ordinances.

To meet a public emergency affecting the immediate preservation of the public peace, health, safety and welfare, the Council may adopt emergency bills. An emergency bill shall be introduced in the form and manner prescribed for bills. It shall be plainly designated as an emergency bill and shall contain in the body of the bill a declaration that an emergency exists. It shall set forth the facts in clear and specific terms to support the declaration. If at least two thirds of all Council Members vote in the affirmative, the bill shall take effect immediately upon its enactment. But if there is only a majority vote in the affirmative, it shall take effect immediately after it is signed by the County Executive (Article Two, Sec. 2.605)

RULE TWENTY-ONE. Bills – reconsideration.

A. When a bill is presented to the County Executive within five working days, but is not approved and signed, the bill shall be returned with objections to the County Council. The Council shall enter the objections on its Journal and proceed to reconsider it within thirty days after the veto. No bill shall be revived or reenacted by mere reference to the title, but the same shall be set forth at length. (Article Two, Sec. 2.604.1)

B. In the case of bills appropriating money, the County Executive may veto one or more items or portions of items while approving other portions, in which case the approved items or portions shall take effect and items or portions vetoed shall be reconsidered separately. (Article Two, Section 2.604.2)

C. After such reconsideration, the County Council may pass the bill over the objection of the County Executive. It shall be in this form: "Shall the bill pass, the objections of the County Executive not withstanding?" Two-thirds of the County Council shall be required to override a veto. In all such cases, the yeas and nays of each member shall be recorded in the Journal of the County Council. (Article Two, Section 2.604.3)

RULE TWENTY-TWO. Bills and Resolutions – Results of No Action.

A. A bill placed on the perfection/final passage order of business and not perfected/finally passed after fifteen successive regular meetings, shall be

dropped from the order of business by the County Clerk and may not be considered again by the Council unless introduced anew.

B. Proposed resolutions placed on the order of business and not passed after ten successive regular meeting shall be dropped from the order of business by the County Clerk and may not be considered again by the Council unless introduced anew.

C. If a bill or resolution is assigned to committee and no action is recommended by the committee for ten consecutive regular meetings of the County Council, the bill or resolution is automatically defeated upon its tenth appearance on the agenda. A sponsor of a bill or a resolution may move at any time prior to that to discharge a bill or a resolution from committee to the County Council. Passage of such motion requires a two-thirds majority of Council Members present and voting.

RULE TWENTY-THREE. Bills and Resolutions – Dropping.

A bill or resolution may be dropped from the order of business at any time upon a motion of one of the sponsors of the bill or resolution and concurred in by three other members of the County Council.

RULE TWNTY-FOUR. Approval of Nominations/Appointments.

A. The Council shall approve or disapprove, within fifteen days after notice is filed with the County Clerk, the appointment of all direction, commissioners, and heads of departments as well as members of boards or commissions who are

appointed by the County Executive. (Article Two, Sec. 2.503) Approval of nominations can be included on the consent agenda.

B. If the County Council does not approve or disapprove the nomination within the fifteen days, the appointment is deemed approved. (Article Two, Sec. 2.503.1)

RULE TWENTY-FIVE. Decorum and Debate

A. When a member wishes to speak, the member shall raise a hand or use some other council approved signaling device, and respectfully address the Chair, but shall not proceed to speak until recognized and named by the Chair. The member's remarks shall be confined to the questions under debate and avoid disparaging, offensive or slanderous statements. A member failing to comply with the provision of this section shall be called to order by the Chair.

B. When two or more members shall seek recognition at the same time, the chair shall name the member who is to speak first, the other having preference to speak next.

C. No member shall speak more than twice on the same question without eave from the Chair, nor more than once until every member chosen to speak have spoken.

D. No motion or resolution shall be stated until it is seconded; and no motion shall be debated before it is stated.

E. No member who is absent shall vote on any question that is stated by the Chair. Every member who is present when a question is stated by the Chair shall vote thereon, unless excused by the Council, or unless a member is directly or particularly interested in the question, in which case he shall not vote.

F. When a question is under debate, no motion or proposition shall be entertained except for the previous question; to postpone indefinitely; to amend; to refer to a standing or ad hot committee or to an officer of the county; to lay on the table; or to adjourn.

RULE TWENTY-SIX. Reference.

Any reference in these rules to the masculine form of noun or pronoun shall include the feminine form when appropriate. References to the singular shall include the plural when appropriate. The presiding officer of the County Council or of any of its committees may use the title Chair, Chairman, Chairwoman, or Chairperson, as he or she sees fit.

RULE TWENTY-SEVEN. Adoption, Suspension and Amendment to the Rules.

A. Adoption. Adoption of these or any succeeding Rules shall require two-thirds majority of the Council Members present and voting.

B. Suspension of Rules. A provision of the Rules may be temporarily suspended for the duration of a meeting by two thirds of the Council Members present and voting.

C. Amendment of Rules. Amendment of the Rules shall require two thirds majority vote of the Council Members present and voting. Amendments shall not e effective until the meeting next following their passage.

City of St. Peters

ARTICLE II. BOARD OF ALDERMEN

SECTION 110.085: RULES AND REGULATIONS OF CERTAIN GOVERNMENTAL ENTITIES

A. The Board of Aldermen and each certain board, commission, committee, subcommission or subcommittee of City Government, other than the Board of Adjustment and Planning and Zoning Commission (which by State Statute are authorized to adopt their own rules of procedure), shall conduct meetings in accordance with Henry M. Robert III, et. al., Robert's Rules of Order Newly Revised (10th Ed., Perseus Publishing 2000) or any subsequent edition thereof and in accordance with the provisions of Chapter 610, RSMo.

B. In addition to Robert's Rules of Order as adopted in Subsection (A) above, the Board of Aldermen and any such certain board, commission, committee, subcommission or subcommittee may adopt additional rules, regulations and procedures not inconsistent with or repugnant to Robert's Rules, the Constitution or laws of the State of Missouri or any ordinance of the City. In doing so the governmental entity shall publish such rules by filing a copy thereof, together with all amendments and additions, with the City Clerk as a public record and such rules, regulations and procedures shall become effective on the eighth (8th) day after so filing.

C. In addition to the rules, regulations and procedures established by Robert's Rules of Order, the Board of Aldermen and each certain board, commission, committee, subcommission or subcommittee shall abide by the following with regard to maintaining order at public meetings:

1. All such meetings shall be open to reasonable public participation as determined by the Chair. The Chair shall have the authority and discretion to determine the extent and manner of participation.

2. In the event any member of the public becomes an annoyance or becomes belligerent, intimidating or threatening or otherwise seeks to or does disrupt the orderly process of the meeting in a manner obviously hostile to the announced purpose of the meeting to any member of the governmental entity or to any member of the general public, the Chair shall have the authority and discretion to warn the offending member of the public to refrain from the abusive or offensive behavior.

3. If the offending member of the public refuses to abate the offensive behavior, the Chair may request that the member leave the meeting. In the event that the member refuses to do so, the Chair may order his or her removal by any attending City Police Officer who shall proceed to escort the offending member from the meeting premises.

4. If in the Chair's judgment removal of the offending member is required and no Police Officer is in attendance to effect such removal, the Chair may suspend the meeting to request the attendance of a Police Officer and the removal of the offending member or may adjourn the meeting as may be appropriate.

5. All authority, discretion and actions of the Chair stated in Subparagraphs (2), (3) and (4) above shall also apply to a majority vote of the members at the meeting.

D. At all regular and special meetings of the Board of Aldermen, public comments shall be allowed. Prior to the start of the meeting and before addressing the Board of Aldermen, each person wishing to speak shall first fill out a public comment card containing the name and residence address of the speaker, together with the topic of his or her address, whether or not he or she is speaking in favor of or against a specific proposal and whether his or her comments are directed toward an item on that meeting's agenda. Each person addressing the Board of Aldermen shall step up in front of the designated microphone and shall give his/her name and City of residence in an audible tone or voice for the record. All remarks shall be addressed to the Board of Aldermen as a body and not to any individual member thereof. No person, other than the Mayor, a member of the Board of Aldermen or a speaker granted the privilege of the floor by the Board of Aldermen, shall be permitted to enter into any discussion with the Board of Aldermen any topic, either directly with or through a member of the Board of Aldermen or Mayor, during such meetings.

E. Each verbal petitioner for public comment shall be allowed three (3) minutes to speak, with a total of eighteen (18) minutes per topic. Pro and con speakers on each topic will alternate if present. The Mayor will be responsible for enforcing the time limits.

F. The Board of Aldermen, at its regular meetings, shall proceed to transact the business before them in the following order:

1. Call to order.

2. Roll call.

3. Opening ceremonies.

4. Approval of minutes.

5. Reports of officers, boards and commissions.

6. Open forum.

    a. Citizen petitions and comments.

    b. Communications from the elected officials.

7. Public hearings.

8. Old business.

9. New business.

10. Announcements.

11. Executive (closed) session re: litigation, real estate and personnel pursuant to Sections 610.021(1), (2), (3), (9), (12), (13), (14) and 610.022(1--6), RSMo.

12. Adjournment. (R.O. 2007 §110.085; Ord. No. 4121 §1, 8-26-04; Ord. No. 4384 §2, 11-10-05; Ord. No. 4426 §1, 1-26-06; Ord. No. 4790 §1, 5-10-07)

City of O'Fallon, MO
Friday, January 17, 2014

Chapter 110. Mayor and City Council

Article IV. Meetings

Section 110.190. Parliamentary Procedure.

[R.O. 2007 §110.320; Ord. No. 1184 §24, 1-17-1985; Ord. No. 5609 §2, 8-12-2010]

The Council hereby adopts Robert's Rules of Order, except when otherwise provided for in the Charter or by ordinance, and any question arising thereunder shall be decided by the Mayor, subject to appeal to the City Council by any member.

Section 110.200. Manner of Addressing City Council — Time Limit.

[R.O. 2007 §110.190; Ord. No. 2029 §5, 6-4-1992; Ord. No. 5609 §2, 8-12-2010]

Persons interested in a bill or other item on a Council agenda shall be afforded an opportunity to be heard before the City Council during a public comment portion of each meeting; provided however, that the Council may, by a majority vote of the members then present, withdraw the opportunity for public comment at a given meeting so long as no bill which has been introduced shall be finally acted upon unless there shall have been at least one (1) opportunity for public comment prior to such action. Each person addressing the City Council shall step up in front of the designated microphone, shall give his/her name and address in an audible tone or voice for the records, and unless further time is granted by the Council, shall limit his/her address to five (5) minutes. All remarks shall be germane to the business of the City of O'Fallon and shall be addressed to the City Council as a body and not to any individual member thereof. No person, other than the City Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked a Council member except through the Presiding Officer.

Section 110.210. Decorum Required.

[R.O. 2007 §110.200; Ord. No. 2029 §6, 6-4-1992; Ord. No. 5609 §2, 8-12-2010]

A. *By Council Members.* While the City Council is in session, the members must preserve order and decorum and a member shall neither by conversation or otherwise delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its Presiding Officer, except as otherwise herein provided.

B. *By Others.* Any person making personal attacks or slanderous remarks about another, or who shall become boisterous or disturb the order of the meeting while addressing the City

Council or at any time during a Council meeting, may be forthwith barred by the Presiding Officer from further audience before the Council unless permission to continue is granted by a majority vote of the Council.

Section 110.220. Enforcement of Decorum.

[R.O. 2007 §110.210; Ord. No. 2029 §7, 6-4-1992; Ord. No. 5609 §2, 8-12-2010]

The Chief of Police, or such member or members of the Police Department as he/she may designate, shall be sergeant at arms of the City Council meetings. However, said attendance and function shall be subject to the discretion of the Presiding Officer of the City Council. As sergeant of arms, said member or members of the Police Department shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the City Council meeting.

NO FORMS WILL BE ACCEPTED AFTER THE PRESIDING OFFICER'S REPORT HAS STARTED.

Thank you for your cooperation

CITY OF O'FALLON CITIZEN COMMENTS

_____CITIZEN COMMENTS

☐ Agenda Item No._____ ☐ Non Agenda Item_____

_____PUBLIC HEARINGS/COMMENTS

☐ Agenda Item No._____

SUBJECT:_____

PLEASE PRINT

NAME:

_____

ADDRESS: _____

TELEPHONE:

_____

ORGANIZATION: _____

Comments: _____

_____

_____

FIVE (5) MINUTE LIMIT

The Citizen Comment period is offered by the City Council of the City of O'Fallon as a courtesy to residents to allow for productive dialogue on the issues facing the City Council. This portion of the meeting is offered by the City Council at its prerogative and may be adjusted at the Council's discretion.

This time period is not intended to be a forum for political speeches, attacks on any individuals or groups or the discussion of any items related to litigation. Residents interested in speaking at the O'Fallon City Council Meetings are expected to conduct themselves with a certain amount of decorum. In light of this expectation, the following guidelines are established to guide citizen comments. Any resident who is found in violation of these guidelines may be asked to forfeit the remainder of his/her speaking time.

1. Individuals are limited to five minutes for their comments.
2. Individuals are required to state their name & home address for the City's records.
3. All comments should be directed to the Mayor.
4. Questions posed to the Mayor, Council and staff may be responded to in writing to allow for adequate research.
5. The purpose of citizen comments is to allow residents to speak on the topics in front of the City Council or to speak on local community topics.
6. Political statements of any nature are considered inappropriate during the City Council meeting. Anyone utilizing the citizen comments time for political speech will forfeit the remainder of his/her time.
7. Personal attacks on members of the Council, staff or others are considered inappropriate. All comments should be generalized by department. Specifying an individual or a City position is not acceptable. Items related to personnel issues should be handled through private discussion with the City Administrator.
8. Matters under litigation or pending litigation may not be discussed.
9. Foul or demeaning language of any nature is unacceptable.

Please try to remember that this is a meeting to conduct the business of the City of O'Fallon and not a general discussion or work session.

ARTICLE II. RULES OF PROCEDURE

SECTION 115.140: DUTIES OF OFFICER PRESIDING

A. The Mayor or, in the absence of the Mayor, the Acting President of the Board of Aldermen shall:

1. Preserve strict order and decorum at all regular and special meetings of the Board of Aldermen;

2. State every question coming before the Board;

3. Announce the decision of the Board on all subjects and decide all questions of order, subject, however, to an appeal to the Board, in which event a majority vote of the Board shall govern and conclusively determine the question of order; and

4. Sign all ordinances and resolutions adopted by the Board during such person's presence as Presiding Officer. In the event of the absence of the Mayor, the Acting President of the Board of Aldermen shall sign ordinances or resolutions as then adopted.

B. The Mayor shall not vote except in case of a tie; however, the Acting President of the Board may vote on any question. (Ord. No. 3044 §§I--II, 1-27-10)

ARTICLE II. RULES OF PROCEDURE

SECTION 115.190: RULES OF DEBATE

In addition to the rules of debate contained in Robert's Rules of Order, the following rules of debate shall apply:

1. *Obtaining the floor.* Every member desiring to speak at a meeting of the Board of Aldermen shall address the Chair and, upon recognition by the Presiding Officer, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.

2. *Interruptions.* A member of the Board of Aldermen, once recognized, shall not be interrupted when speaking unless it be to call the member to order or as otherwise provided in this Section. If a member while speaking is called to order, the member shall cease speaking until the question of order is determined and, if in order, the member shall be permitted to proceed.

3. *Motion to reconsider.* A motion to reconsider any action taken by the Board of Aldermen may be made only on the day the action was taken. It may be made either immediately during the same session or at a recessed or adjourned session thereof. Such motion must be made by a member of the prevailing side, but may be seconded by any member and may be made at any time and have precedence over all other motions or while a

member has the floor. The motion shall be debatable. Nothing herein shall be construed to prevent any member of the Board from making or remaking the same or any other motion at a subsequent meeting of the Board.

4. *Remarks of aldermen entered in minutes.* An Alderman may request, through the officer presiding, the privilege of having an abstract of his/her statement on any subject under consideration by the Board of Aldermen entered in the minutes. If the Board consents thereto, such statement shall be entered in the minutes.

5. *Synopsis of debate entered in minutes.* The City Clerk may be directed by the officer presiding with consent of the Board to enter in the minutes a synopsis of the discussion on any question coming regularly before the Board. (Ord. No. 3044 §§I--II, 1-27-10)

ARTICLE II. RULES OF PROCEDURE

SECTION 115.200: ADDRESSING THE BOARD

During a regular meeting of the Board of Aldermen, any person desiring to address the Board shall first secure the permission of the Presiding Officer to do so, provided however, that under the "Open Forum" item on the agenda, any person may address the Board without securing such prior permission in the following manner:

1. *Written communications.* Interested parties or their authorized representatives may address the Board of Aldermen by written communications in regard to matters then under discussion.

2. *Oral communications.* Taxpayers or residents of the City or their authorized legal representatives may address the Board of Aldermen by oral communications concerning any matter of the City's business or any matter over which the Board has control.

3. *Reading of protests, etc.* Interested persons or their authorized representatives may be recognized by the officer presiding over the Board of Aldermen meeting and allowed to present protests, petitions or communications relating to zoning, sewer and street proceedings, hearings on protests, appeals and petitions or similar matters, in regard to matters then under consideration. (Ord. No. 3044 §§I--II, 1-27-10)

ARTICLE II. RULES OF PROCEDURE

SECTION 115.210: ADDRESSING BOARD AFTER MOTION MADE

After a motion is made by a member of the Board of Aldermen, no person shall address the Board without first securing the permission of the Board so to do. (Ord. No. 3044 §§I--II, 1-27-10)

ARTICLE II. RULES OF PROCEDURE

SECTION 115.220: ADDRESSING BOARD

Each person addressing the Board of Aldermen shall give his/her name and address in an audible tone of voice for the records and unless further time is granted by the Board shall limit his/her address to five (5) minutes. All remarks shall be addressed to the Board as a body and not to any member thereof. No person, other than the Board and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Board, without the permission of the officer presiding. No question shall be asked an Alderman except through the officer presiding. (Ord. No. 3044 §§I--II, 1-27-10)

ARTICLE II. RULES OF PROCEDURE

SECTION 115.230: PUBLIC INQUIRIES

Any person desiring to ask a question of the Board of Aldermen must first be recognized by the Presiding Officer. (Ord. No. 3044 §§I--II, 1-27-10)

ARTICLE II. RULES OF PROCEDURE

SECTION 115.240: DECORUM

A. *By Board Members.* While the Board of Aldermen is in session, the members must preserve order and decorum and a member shall neither, by conversation or otherwise, delay or interrupt the proceeding or the peace of the Board nor disturb any member while speaking or refuse to obey the orders of the Board or its officer presiding, except as otherwise provided in this Section.

B. *By Persons.* Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Board of Aldermen shall be forthwith, by the officer presiding, barred from further addressing the Board, unless permission to continue be granted by a majority vote of the Board. (Ord. No. 3044 §§I--II, 1-27-10)

ARTICLE II. RULES OF PROCEDURE

SECTION 115.250: SERGEANT-AT-ARMS

The Chief of Police shall be sergeant-at-arms of the meetings of the Board of Aldermen. The Chief shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining

order and decorum at the Board meeting. Upon instructions of the Presiding Officer, it shall be the duty of the sergeant-at-arms to remove or place any person who violates the order or decorum of the meeting under arrest and thus cause the person to be prosecuted under the provisions of this Code, the complaint to be signed by the Presiding Officer. (Ord. No. 3044 §§I--II, 1-27-10)

Cottleville

ARTICLE II. BOARD OF ALDERMEN MEETINGS

SECTION 110.200: PUBLIC ORDER AT PUBLIC MEETINGS

A. The powers granted to the Mayor and the Acting President of the Board of Aldermen granted by this Section are hereby also granted to the Presiding Officer or presiding member of each commission, committee, agency and subunit of the City during their meetings.

B. The Mayor and the Presiding Officer or presiding member of the Board of Aldermen and of each commission, committee, agency and subunit of the City shall have the authority to adopt and enforce reasonable rules of conduct of persons attending meetings of the same.

C. Unless specifically authorized by the Mayor or Acting President of the Board of Aldermen, comments or questions by the public may only be made during open forum and public hearings during Board of Aldermen meetings. Public comments or questions by any person, group or entity shall be limited to five (5) minutes per agenda item or issue unless specifically extended by the Mayor or Acting President of the Board of Aldermen. The Mayor or Acting President of the Board of Aldermen may determine that a group or number of persons wishing to make public comments or questions must be represented by one (1) person who shall make the public comments or questions. No member of the public shall make a comment or question until they are specifically recognized by the Mayor or Acting President of the Board of Aldermen. Each member of the public shall terminate their comments and questions when directed to do so by the Mayor or Acting President of the Board of Aldermen. No member of the public shall engage in yelling, cursing or peace disturbance during a meeting of the Board of Aldermen.

D. The Mayor or Acting President of the Board of Aldermen may cause any member of the public who violates the provisions of this Section to be permanently ejected from a Board of Aldermen meeting. (Ord. No. 378 §§1--2, 11-5-98; Ord. No. 399 §1, 3-4-99)

Council Rules of Procedure
Excerpt from Rule 45 on Public Comment

(B) All persons who desire to present public comments shall complete a Speaker's Card in its entirety and present it to the City Clerk prior to the meeting. Each verbal petitioner shall be allowed three (3) minutes to present comments. The City Clerk will announce when the speaker's time has expired. Extensions of time shall be allowed, by majority vote of the City Council.

(C) Once public comment on an agenda item has been closed, no further public comments will be allowed unless the Council votes to allow it.

(D) Public hearings shall be held beginning at 7:00 P.M. at the Regular or Special meetings of the City Council. Upon completion of the public hearings, the City Council will continue with the Regular Order of Business. Each speaker at a public hearing shall be allowed to address the Council only once. Speakers at a Public Hearing on any issue shall not be allowed to speak again on the same issue during the Public Comment portion of the Council Meeting, at the same meeting. Once a Public Hearing has been concluded, only written comments will be accepted.

(E) During a public hearing, an applicant, or applicant's representative, shall be allowed a total of ten (10) minutes for their presentation. Materials/handouts from the applicant should be distributed to the Mayor and Council through the City Clerk's Office on the Friday prior to the meeting date.

Council Rules of Procedure
Excerpt from Rule 45 on Public Comment

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BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AMENDING VARIOUS SECTIONS OF CHAPTER 405 OF THE MUNICIPAL CODE OF THE CITY OF DARDENNE PRAIRIE; AND PROVIDING FOR THE REGULATION OF WIRELESS COMMUNICATION SERVICES AND INFRASTRUCTURE WITHIN THE CITY

WHEREAS, pursuant to the Telecommunications Act of 1996 (the "TCA"), 47 U.S.C. § 332(c)(7)(a), "nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities"; and

WHEREAS, the TCA "was intended by Congress to foster competition among telecommunications providers, to improve the quality of their services, and to encourage the rollout of new technologies without delay." USCOC of Greater Iowa, Inc. v. Zoning Bd. of Adjustment of the City of Des Moines, 465 F.3d 817, 820 (8th Cir. 2006); and

WHEREAS, in 2012, the United States Congress enacted the Middle Class Tax Relief and Job Creation Act of 2012, which provides that "a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." 47 U.S.C. § 1455; and

WHEREAS, the Missouri General Assembly passed, and the Governor signed on March 20, 2014, Senate Bill 650, re-enacting the Uniform Wireless Communications Infrastructure Deployment Act (the "Wireless Act"), as amended by House Bill 1454, signed by the Governor on June 23, 2014; and

WHEREAS, the Board of Aldermen of the City of Dardenne Prairie recognizes the need for adequate wireless communications services, provided that the wireless support structures and wireless facilities are designed and located to minimize health, safety and aesthetic concerns; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DARDENNE PRAIRIE, AS FOLLOWS:

SECTION 1. That Section 405.080 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by the addition of the following defined terms:

SECTION 405.080: DEFINITIONS AND RULES OF CONSTRUCTION

ACCESSORY EQUIPMENT: Any equipment serving or being used in conjunction with a wireless facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar structures.

ANTENNA: Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

BASE STATION: A station at a specific site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics, and includes a structure that currently supports or houses an antenna, a transceiver, coaxial cables, power supplies, or other associated equipment.

CAMOUFLAGED: Any wireless support structure that is designed to blend into the surrounding environment. Examples include wireless support structures which are made to look like trees, light poles, or flag poles.

COLLOCATION: The placement or installation of a new wireless facility on a structure that already has an existing wireless facility, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities.

ELECTRICAL TRANSMISSION TOWER: An electrical transmission structure used to support high voltage overhead power lines. The term shall not include any utility pole.

ELIGIBLE FACILITIES REQUEST: Any request for modification of an existing structure or base station that involves:

(a) collocation, as defined herein;

(b) removal of accessory equipment; or

(c) replacement of wireless facilities.

EQUIPMENT COMPOUND: An area surrounding or near a wireless support structure within which are located wireless facilities.

EXISTING STRUCTURE: A structure that exists at the time a request to place wireless facilities on a structure is filed with the City Engineer. The term includes any structure that is capable of supporting the attachment of wireless facilities in compliance with Chapters 500 and 505 of the Municipal Code of the City of Dardenne Prairie and recognized industry standards for structural safety, capacity, reliability, and engineering, including, but not limited to, towers, buildings, and water towers. The term shall not include any utility pole.

MOBILE STATION: A radio-communication station capable of being moved and which ordinarily does move.

REPLACEMENT: Includes constructing a new wireless support structure of equal proportions and of equal height or such other height that would not constitute a substantial modification to an existing structure in order to support wireless facilities or to accommodate collocation and includes the associated removal of the pre-existing wireless facilities or wireless support structures.

SMART CODE: the SmartCode adopted on July 18, 2007, and pursuant to Ordinance No. 1175 of the City of Dardenne Prairie, Missouri, as amended.

SUBSTANTIAL MODIFICATION: The mounting of a proposed wireless facility on a wireless support structure which, as applied to the structure as it was originally constructed:

(a) Increases the existing vertical height of the structure by:

a. More than ten percent; or

b. The height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet,

_____whichever is greater; or

(b) Involves adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure more than twenty feet or more than the width of the wireless support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable);

(c) Involves the installation of more than the standard number of new outdoor equipment cabinets for the technology involved, not to exceed four new equipment cabinets; or

(d) Increases the square footage of the existing equipment compound by more than one thousand two hundred fifty (1,250) square feet.

UTILITY: Any person, corporation, county, municipality acting in its capacity as a utility, municipal utility board, or other entity, or department thereof or entity related thereto, providing retail or wholesale electric, natural gas, water, waste water, data, cable television, or telecommunications or internet protocol-related services.

UTILITY POLE: A structure owned or operated by a utility that is designed specifically for and used to carry lines, cables, or wires for telephony, cable television, or electricity, or to provide lighting.

WATER TOWER: A water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

WIRELESS COMMUNICATIONS SERVICE: Includes the wireless facilities of all services licensed to use radio communications pursuant to Section 301 of the Communications Act of 1934, 47 U.S.C. § 301.

WIRELESS FACILITY: The set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, power supplies, cabling and associated equipment necessary to provide wireless communications services.

WIRELESS SUPPORT STRUCTURE: A structure, such as a monopole, tower, or building capable of supporting wireless facilities. This definition does not include utility poles.

SECTION 2. That subsection C.17 of Section 405.180 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended to read as follows:

SECTION 405.180: "C-1" LOCAL COMMERCIAL DISTRICT

C. *Conditional Uses.*

17. Wireless support structures and wireless facilities.

SECTION 3. That subsection C.25 of Section 405.190 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended to read as follows:

SECTION 405.190: "C-2" GENERAL COMMERCIAL DISTRICT

C. *Conditional Uses.*

25. Wireless support structures and wireless facilities.

SECTION 4. That subsection C. 7 of Section 405.200 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended to read as follows:

SECTION 405.200: "I-1" LIGHT INDUSTRIAL DISTRICT

C. *Conditional Uses.*

7. Wireless support structures and wireless facilities.

SECTION 5. That subsection C.5 of Section 405.210 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended to read as follows:

SECTION 405.210: "HTCD" HIGH TECH CORRIDOR DISTRICT

C. *Secondary Uses.* The following secondary activities, which support or are adjunct to the primary activities, are permitted subject to the development and performance standards set forth herein. Such activities shall be limited to thirty percent (30%) of the park:

5. Wireless support structures and wireless facilities.

SECTION 6. That Section 405.390 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and it is hereby deleted in its entirety, and replaced, in lieu thereof, with a new Section 405.390, which shall read as follows:

SECTION 405.390: HEIGHT EXCEPTIONS

A. *Public And Semi-Public Buildings.* In any zoning district, public or semi-public buildings, such as hospitals, churches, sanitariums or schools, either public or private, there permitted, may erect to a height not exceeding seventy-five (75) feet, provided that such buildings shall have yards which shall increase one (1) foot on all sides for each additional foot that such buildings exceed the specified height limit as established in the regulations of the district in which such buildings are situated.

B. *Structural Projections.* Chimneys, cooling towers, elevator head houses, fire towers, grain elevator, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio and television towers or necessary mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy are not subject to the height limitations contained in the district regulations, except that such structural projections shall not exceed the height regulations of the district in which the structure is situated by more than fifteen percent (15%) except as indicated below.

C. Structural projections exceeding the above height limitations shall be considered as conditional uses and shall be processed in accordance with Article VI of this Chapter, except

in no event shall a radio aerial or television antenna support extend more than twenty-five (25) feet above the ridge of a roof in any residential district.

SECTION 7. That subsection 4 of Section 405.480 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and it is hereby deleted in its entirety, and replaced, in lieu thereof, with a new subsection 4 of Section 405.480, which shall read as follows:

SECTION 405.480: ADDITIONAL DEVELOPMENT REQUIREMENTS OF CERTAIN USES

4. *RESERVED.*

SECTION 8. That Article VI of Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by enacting a new Section 405.481, which shall read as follows:

SECTION 405.481: CONDITIONAL USE PERMITS FOR NEW WIRELESS SUPPORT STRUCTURES OR A SUBSTANTIAL MODIFICATION OF A WIRELESS SUPPORT STRUCTURE

A. Notwithstanding the provisions of this Article VI of Chapter 405 to the contrary, an application for a conditional use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure shall be subject to the provisions of this Section.

B. *Filing Of Application And Fees.*

1. An application for any conditional use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, shall be made on an application form provided by the City Engineer. Each application shall be filed with the City Engineer and shall be accompanied by the data prescribed on the form and any additional information deemed necessary by the City Engineer. The application shall be accompanied by the fee set forth in the fee schedule, as provided by Section 405.965 of the Municipal Code of the City of Dardenne Prairie, payable to the City to cover the costs of advertising, notification, and other administrative expenses associated with the application. No part of such fee shall be returnable to the applicant.

2. An application for a conditional use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, shall be submitted to the City Engineer and shall contain or be submitted concurrently with the following information:

    a. A legal description of the property to be affected, including one (1) hard printed copy and one (1) electronic copy in a Microsoft Word compatible format;

    b. A scaled map of such property, correlated with the legal description and clearly showing the property's location;

    c. The names, addresses and telephone numbers of the applicant(s), all the fee owners of such property and their agents, if any, and copies of the deeds on file with the office of the St. Charles County Recorder of Deeds evidencing such ownership;

d. A copy of a lease, letter of authorization or other agreement from the property owner evidencing the applicant's right to pursue the application;

e. Date of filing with the City Engineer;

f. The present zoning, proposed change of zoning, if any, and proposed use of such property;

g. The names and mailing addresses of property owners with property within an area determined by lines drawn parallel to and three hundred (300) feet distant from the boundaries of the property(ies) to be affected;

h. Signature(s) of applicant(s) and owner(s) certifying the accuracy of the required information. If the owner(s) of the property or the applicant(s) are a trust or business entity, then proof of the authority of the party executing the application must be provided by way of resolution, minutes, bylaws, articles of incorporation or some other reasonable means;

i. Site Plan--See Article XIII (unless deemed unnecessary by the City Engineer);

j. Photographs or other pictorial representations of the new wireless support structure, or the substantial modification of a wireless support structure, as viewed from neighboring properties to demonstrate if the wireless support structure is harmonious with the appearance and character of the neighborhood;

k. ~~Documentation evaluating how~~A Landscape Plan, meeting the requirements of Chapter 405, Article IX, detailing the landscaping around the base of all wireless support ~~structure will be landscaped or how views of the~~ structures, wireless ~~support structure will be screened~~facilities, base stations, and equipment compounds;

l. The type of wireless facilities, infrastructure or technology to be used by the applicant; and

m. Solely with respect to an application for a new wireless support structure, a statement by the applicant that it conducted an analysis of available collocation opportunities on existing wireless support structures within the same search ring defined by the applicant, solely for the purpose of confirming that an applicant undertook such an analysis.

C. *Procedure.*

1. *Hearing and consideration by the Planning and Zoning Commission.* Within sixty (60) calendar days of receiving an application for a conditional use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, or within such additional time as may be mutually agreed to by an applicant and the City Engineer, the Planning and Zoning Commission shall:

a. Conduct a hearing and review the application in light of its conformity with this Section:

i. An application is deemed to be complete unless the City Engineer notifies the applicant in writing, within thirty (30) calendar days of submission of

the application, of the specific deficiencies in the application which, if cured, would make the application complete.

ii. Upon receipt of a timely written notice that an application is deficient, an applicant may take thirty (30) calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within said period of thirty (30) calendar days, the application shall be reviewed and processed, by both the Planning and Zoning Commission and the Board of Aldermen, within one hundred twenty (120) calendar days from the initial date the application was received. If the applicant requires a period of time beyond thirty (30) calendar days to cure the specific deficiencies, the one hundred twenty (120) calendar day deadline for the City to review the application, make the final decision, and advise the applicant in writing of its final decision, shall be extended by the same period of time.

b. Determine whether or not the standards described in this Section have been met by the applicant. The burden of proof shall be on the applicant to prove that such standards have been met by the applicant. Thereafter, the Planning and Zoning Commission shall either:

i. Postpone consideration of the application because the application is incomplete;

ii. Recommend approval of the application to the Board of Aldermen;

iii. Recommend approval of the application with conditions to the Board of Aldermen; or

iv. Recommended denial of the application to the Board of Aldermen.

c. If the Planning and Zoning Commission fails to act on an application for a special use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, within its sixty (60) calendar day review period, or within such additional time as may be mutually agreed to by an applicant and the City Engineer, the Planning and Zoning Commission shall be deemed to have recommended approval of the application to the Board of Aldermen.

2. *Notice of hearings.* Notices for hearings required under this Section shall be handled the same as a zoning amendment as described in Article XV of this Chapter.

3. *Hearing and consideration by the Board of Aldermen.* Upon receipt of a recommendation from the Planning and Zoning Commission, and after providing notice pursuant to this Section, within one hundred twenty (120) calendar days of the Planning and Zoning Commission's receipt of an application for a conditional use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, or within such additional time as may be mutually agreed to by an applicant and the City Engineer, the Board of Aldermen shall conduct a hearing, on the record, on the application and it shall:

a. Review the application in light of its conformity with this Section;

b. Make its final decision to approve or disapprove the application; and

c. Advise the applicant in writing of its final decision.

4. The special use permit under consideration by the Board of Aldermen shall be in the form of an ordinance. Such ordinance shall include findings of fact as well as such terms, conditions, safeguards and restrictions upon the special use as deemed necessary by the Board of Aldermen.

5. If the Board of Aldermen fails to act on an application for a conditional use permit to construct a new wireless support structure, or for a substantial modification of a wireless support structure, within the one hundred twenty (120) calendar day review period, or within such additional time as may be mutually agreed to by an applicant and the City Engineer, the application shall be deemed approved.

D. *Standards*. When deciding whether to approve or deny a conditional use permit for a wireless support structure or substantial modification of a wireless support structure, the Planning and Zoning Commission and the Board of Aldermen, shall consider the following:

1. Whether the proposed conditional use complies with all applicable provisions of the Municipal Code of the City of Dardenne Prairie, including intensity of use regulations, setback regulations and use limitations;

2. Whether the proposed conditional use will contribute to and promote the general, welfare, health, safety and convenience of the public;

3. Whether the application meets the following requirements:

a. A wireless support structure shall not exceed two hundred (200) feet in height.

b. No wireless support structure shall be located within one thousand five hundred (1,500) feet of another wireless support structure. The distance shall be calculated from the center of the base of each wireless support structure.

c. A wireless support structure shall be located at least two hundred (200) feet from any residential structure. The distance between a wireless support structure and the boundaries of the property on which the wireless support structure lies shall be a distance equal to or exceeding one hundred ten percent (~~100~~110%) of the wireless support structure's height. d. No more than three (3) wireless support structures shall be constructed on any single lot.

e. All wireless support structures shall be constructed to allow for co-location by at least three (3) additional providers of wireless communication services.

f. The design of the wireless support structure, wireless facilities, base station, and equipment compound shall maximize the use of building materials, colors, textures, screening and landscaping that effectively blend the wireless support structure, wireless facilities, base station, and equipment compound within the surrounding natural setting and buildings.

~~g. Landscaping and/or sight-proof fencing shall be required around the base of all wireless support structures, wireless facilities, base stations, and equipment compounds.~~g. Whether the landscaping, as shown on the Landscape Plan, meets the requirements of Chapter 405, Article IX.

h. Antennas shall be painted or treated to match the wireless support structure to which they are attached. Antennas shall not extend higher than five (5) feet above the wireless support structure unless authorized in a conditional use permit or by variance.

i. Photographs or other pictorial representations of the new wireless support structure, or the substantial modification of a wireless support structure, as viewed from neighboring properties, shall be considered when determining if the wireless support structure, or substantial modification of a wireless support structure, is harmonious with the appearance and character of the properties surrounding the wireless support structure;

j. The Planning and Zoning Commission, or the Board of Aldermen, may require that the wireless support structure be camouflaged if a determination is made that camouflaging the wireless support structure is necessary to preserve the appearance and character of the properties surrounding the wireless support structure;

k. The construction, maintenance and operation of such wireless support structures and equipment compound shall comply with all Federal, State and City regulations. In addition, the Board of Aldermen may impose reasonable restrictions and conditions to the issuance of any such Conditional Use Permit.

l. Any wireless support structure, wireless facility, base station or equipment compound that is no longer in use for any wireless communications service shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice to the FCC of intent to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete wireless support structure, wireless facilities or equipment compound.

4. Whether denial of the conditional use permit will prohibit or have the effect of prohibiting the provision of personal wireless services under 47 U.S.C. § 332(C)(7)(B)(i)(II); and

5. Any other relevant impact of the proposed use.

E. *Judicial Review.* A party aggrieved by the final action of the Board of Aldermen, either by its affirmatively denying an application under the provisions of this section or by its inaction, may bring an action for review in any court of competent jurisdiction within the State of Missouri.

F. The following definitions shall apply in interpretation and enforcement of Sections 405.481, 405.482, and 405.940:

APPLICANT: Any person engaged in the business of providing wireless communications services or the wireless communications infrastructure required for wireless communications services who submits an application.

APPLICATION: A request submitted by an applicant to the City to construct a new wireless support structure, for the substantial modification of a wireless support structure, or for an eligible facilities request.

BUILDING PERMIT: A permit issued by the City Engineer prior to commencement of work on the collocation of wireless facilities on an existing structure, the substantial modification of a wireless support structure, or the commencement of construction of any

new wireless support structure, solely to ensure that the work to be performed by the applicant wireless communication services satisfies the applicable building code.

G. Notwithstanding any provision of the SmartCode to the contrary, the provisions of Sections 405.481, 405.482, and 405.940 apply to all Transect Zones within the City. Wherever the term "wireless transmitter" is used in the SmartCode, it shall mean "wireless support structure." Notwithstanding the foregoing, review of applications to construct a new wireless support structure, for a substantial modification of a wireless support structure, or for an eligible facilities request for a modification of an existing wireless support structure or base station that is not a substantial modification of such wireless support structure or base station, shall be in accordance with the warrant procedures of the SmartCode.

SECTION 9. That Article VI of Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by enacting a new Section 405.482, which shall read as follows:

SECTION 405.482: WIRELESS FACILITIES PERMIT

A. *Intent And Purpose.* Any person making an eligible facilities request for a modification of an existing wireless support structure or base station that is not a substantial modification of such wireless support structure or base station must apply to the City Engineer for a Wireless Facilities Permit. An application for a Wireless Facilities Permit shall be made on an application form provided by the City Engineer. The application shall be accompanied by the fee set forth in the fee schedule, as provided by Section 405.965 of the Municipal Code of the City of Dardenne Prairie, payable to the City to cover the costs of advertising, notification, and other administrative expenses associated with the application. No part of such fee shall be returnable to the applicant The City Engineer may not deny, and shall approve, such Wireless Facilities Permits.

B. *Procedure.* All applications for a Wireless Facilities Permit shall comply with the procedures set forth in this Subsection B.

1. An applicant for a Wireless Facilities Permit shall submit the application and all attachments to the City Engineer.
2. Each application shall include the following:
    a. A legal description of the property to be affected, including one (1) hard printed copy and one (1) electronic copy in a Microsoft Word compatible format;
    b. A scaled map of such property, correlated with the legal description and clearly showing the property's location;
    c. The names, addresses and telephone numbers of the applicant(s), all the fee owners of such property and their agents, if any, and copies of the deeds on file with the office of the St. Charles County Recorder of Deeds evidencing such ownership;
    d. A copy of a lease, letter of authorization or other agreement from the property owner evidencing the applicant's right to pursue the application;
    e. Date of filing with the City Engineer;

f. The present zoning, proposed change of zoning, if any, and proposed use of such property;

g. Signature(s) of applicant(s) and owner(s) certifying the accuracy of the required information. If the owner(s) of the property or the applicant(s) are a trust or business entity, then proof of the authority of the party executing the application must be provided by way of resolution, minutes, bylaws, articles of incorporation or some other reasonable means;

h. Site Plan--See Article XIII (unless deemed unnecessary by the City Engineer);and

i. The type of wireless facilities or technology to be used by the applicant.

3. Applications for a Wireless Facilities Permit are not subject to the City's zoning or land use requirements, including design or placement requirements, or public hearing review.

4. Within forty-five (45) calendar days of receiving an application for a Wireless Facilities Permit, the City Engineer shall:

a. Review the application in light of its conformity with Chapters 505 and 510 of the Municipal Code of the City of Dardenne Prairie, recognized industry standards for structural safety, capacity, reliability, and engineering, and consistency with Sections 67.5090 to 67.5103, RSMo., and Sections 405.481 and 405.482 of this Chapter.

i. An application is deemed to be complete unless the City Engineer notifies the applicant in writing, within fifteen (15) calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete.

ii. Upon receipt of a timely written notice that an application is deficient, an applicant may take fifteen (15) calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within said period of fifteen (15) calendar days, the application shall be reviewed and processed within forty-five (45) calendar days from the initial date the application was received. If the applicant requires a period of time beyond fifteen (15) calendar days to cure the specific deficiencies, the forty-five (45) calendar day deadline for the City to review the application shall be extended by the same period of time.

iii. The Administrative Officer may impose conditions on the Wireless Facilities Permit to insure that the application conforms with building permit requirements in Title V of the Municipal Code of the City of ~~St. Peters~~Dardenne Prairie, Chapter 510 of the Municipal Code of the City of ~~St. Peters~~Dardenne Prairie, recognized industry standards for structural safety, capacity, reliability, and engineering, and is consistent with Sections 67.5090 to 67.5103, RSMo.

b. Make its final decision to approve or disapprove the application; and

c. Advise the applicant in writing of its final decision.

5. If the City Engineer fails to act on an application for a Wireless Facilities Permit within the forty-five (45) calendar day review period specified in Subsection 5 of this Section, the application shall be deemed approved.

~~7~~6. A party aggrieved by the final action of the City Engineer, either by the City Engineer affirmatively denying an application under the provisions of this section or by the City Engineer's inaction, may bring an action for review in any court of competent jurisdiction within the State of Missouri.

SECTION 10. That Section 405.940 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and it is hereby deleted in its entirety, and replaced, in lieu thereof, with a new Section 405.940, which shall read as follows:

SECTION 405.940: VARIANCE FOR WIRELESS SUPPORT STRUCTURES OR WIRELESS FACILITIES

A. *A Request for a Variance.*

1. When an applicant requests some variation in the requirements of Chapter 405 of the Municipal Code of the City of Dardenne Prairie to construct a new wireless support structure or for a substantial modification of a wireless support structure, and where the strict application of Chapter 405 would involve undue hardship, the applicant may request a variance pursuant to this Section 405.940.

2. In reviewing requested variance under this Section 405.940, the Board of Adjustment may consider, but is not limited to, the following questions:

~~(a)~~. Does the hardship result from the strict application of these regulations?

~~(b)~~. Is the hardship suffered by the property in question?

~~(c)~~. Is the hardship the result of the applicant's own action?

~~(d)~~. Is the requested variance in harmony with general purpose and intent of the zoning regulations and does it preserve the spirit?

~~(e)~~. If the variance is granted, will the public safety and welfare have been assured and will substantial justice have been done? ~~(f)~~. If denial of the variance will prohibit or have the effect of prohibiting the provision of personal wireless services under 47 U.S.C. § 332(C)(7)(B)(i)(II)?

B. *New Wireless Support Structure or Substantial Modification of a Wireless Support Structure.* An application for a variance to construct a new wireless support structure, or for a substantial modification of a wireless support structure, shall be made on an application form provided by the City Clerk. Each application shall be filed with the City Clerk and shall be accompanied by the data prescribed on the form and any additional information deemed necessary by the Board of Adjustment. The application shall be accompanied by the fee set forth in the fee schedule, as provided by Section 405.930 of the Municipal Code of the City of Dardenne Prairie, payable to the City to cover the costs of advertising, notification, and other administrative expenses associated with the application. No part of such fee shall be returnable to the applicant.

1. An application for a variance to construct a new wireless support structure, or for a substantial modification of a wireless support structure, shall be submitted to the City Clerk and shall contain or be submitted concurrently with the following information:

a. A legal description of the property to be affected, including one (1) hard printed copy and one (1) electronic copy in a Microsoft Word compatible format;

b. A scaled map of such property, correlated with the legal description and clearly showing the property's location;

c. The names, addresses and telephone numbers of the applicant(s), all the fee owners of such property and their agents, if any, and copies of the deeds on file with the office of the St. Charles County Recorder of Deeds evidencing such ownership;

d. A copy of a lease, letter of authorization or other agreement from the property owner evidencing the applicant's right to pursue the application;

e. Date of filing with the Board of Adjustment;

f. The present zoning, proposed change of zoning, if any, and proposed use of such property;

g. The names and mailing addresses of property owners with property within an area determined by lines drawn parallel to and three hundred (300) feet distant from the boundaries of the property(ies) to be affected;

h. Signature(s) of applicant(s) and owner(s) certifying the accuracy of the required information. If the owner(s) of the property or the applicant(s) are a trust or business entity, then proof of the authority of the party executing the application must be provided by way of resolution, minutes, bylaws, articles of incorporation or some other reasonable means;

i. Site Plan--See Article XIII (unless deemed unnecessary by the Board of Adjustment);

j. Photographs or other pictorial representations of the new wireless support structure, or the substantial modification of a wireless support structure, as viewed from neighboring properties to demonstrate if the wireless support structure is harmonious with the appearance and character of the neighborhood;

k. ~~Documentation evaluating how~~A Landscape Plan, meeting the requirements of Chapter 405, Article IX, detailing the landscaping around the base of all wireless support ~~structure will be landscaped or how views of the~~ structures, wireless ~~support structure will be screened~~facilities, base stations, and equipment compounds;

l. The type of wireless facilities, infrastructure or technology to be used by the applicant; and

m. Solely with respect to an application for a new wireless support structure, a statement by the applicant that it conducted an analysis of available collocation opportunities on existing wireless support structures within the same search ring

defined by the applicant, solely for the purpose of confirming that an applicant undertook such an analysis.

C. *Procedure.*

1. Within one hundred twenty (120) calendar days of receiving an application for a variance to construct a new wireless support structure, or for a substantial modification of a wireless support structure, or within such additional time as may be mutually agreed to by an applicant and the Board of Adjustment, the Board of Adjustment shall:

a. Review the application in light of its conformity with this Section 405.940;

i. An application is deemed to be complete unless the City Clerk notifies the applicant in writing, within thirty (30) calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete.

ii. Upon receipt of a timely written notice that an application is deficient, an applicant may take thirty (30) calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within said period of thirty (30) calendar days, the application shall be reviewed and processed by the Board of Adjustment within one hundred twenty (120) calendar days from the initial date the application was received. If the applicant requires a period of time beyond thirty (30) calendar days to cure the specific deficiencies, the one hundred twenty (120) calendar day deadline for the Board of Adjustment to review the application, make the final decision, and advise the applicant in writing of its final decision, shall be extended by the same period of time.

b. Make its final decision to approve or disapprove the application;

c. Make findings of fact as to whether or not the standards described in this Section 405.940 have been met by the applicant. The burden of proof shall be on the applicant to prove that such standards have been met by the applicant. Thereafter, the Board of Adjustment shall either:

i. Postpone consideration of the application because the application is incomplete;

ii. Approve the application;

iii. Approve the application with conditions; or

iv. Deny the application.

and

d. Advise the applicant in writing of its final decision.

2. If the Board of Adjustment fails to act on an application for a variance to construct a new wireless support structure, or for a substantial modification of a wireless support structure, within the one hundred twenty (120) calendar day review period, or within such additional time as may be mutually agreed to by an applicant and the Board of Adjustment, the application shall be deemed approved.

SECTION 11. Severability Clause: If any term, condition, or provision of this Ordinance 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 Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. 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 City and shall thereafter be binding.

SECTION 12. Effective Date: This Ordinance shall be in full force and take effect from and after its final passage and approval.

SECTION 13. Savings Clause: Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

Read two times, passed, and approved this _____ day of _____, 2014.

_____
As Presiding Officer and as Mayor

Attest:

_____
City Clerk

Approved this _____ day of _____, 2014.

_____
Mayor

Attest:

_____
City Clerk

PLANNING & ZONING MINUTES **JULY 09, 2014**

The City of Dardenne Prairie Planning & Zoning Commission meeting was called to order at 7:01 p.m. The meeting was held at the Dardenne Prairie City Hall located at 2032 Hanley Road.

The meeting was opened with the Pledge of Allegiance.

Present at roll call were Mayor Fogarty, Alderman Koch, Commissioners Owens, Claspille, Etzkorn, Collins, Brockmann and Donahue. Commissioner King arrived at approximately 7:10. Commissioner Fine was absent. Also present were City Clerk Kim Clark, City Engineer Luke Kehoe and City Attorney John Young.

OPEN FORUM – No one present to speak.

PUBLIC HEARING

A motion was made by Commissioner Collins, Seconded by Commissioner Donahue to table the Public Hearing until later in meeting. Motion passed unanimously.

1. Amendments to various provisions of Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri, pertaining to regulations relating to zoning, land use and wireless communication services and infrastructure within the City.

NEW BUSINESS

A motion was made by Commissioner Collins, Seconded by Commissioner Donahue to table New Business item #1 until later in meeting. Motion passed unanimously.

1. Amendments to various provisions of Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri, pertaining to regulations relating to zoning, land use and wireless communication services and infrastructure within the City.

2. A Record Plat for the proposed "Chestnut Creek" residential subdivision located on the west side of Bates Road approximately 500 feet north of Redhawk Parkway, commonly known as 2507 & 2511 Bates Road from Stock & Associates Consulting Engineers, Inc. and Property Owner Deborah Stock & Michael Parnas, Trustees under the Indenture of Trust of Robert S. Parnas and Developer Pulte Homes of St. Louis, LLC.

A motion was made by Mayor Fogarty, Seconded by Chairman Owens to recommend approval with the condition items1, 2 & 3 of letter dated 6/30/14 are met prior to the vote by Board of Aldermen. Motion passed unanimously.

A motion was made by Commissioner Collins, Seconded by Commissioner Donahue to remove the Public Hearing from the table. Motion passed unanimously.

PUBLIC HEARING

1. Amendments to various provisions of Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri, pertaining to regulations relating to zoning, land use and wireless communication services and infrastructure within the City.

City Attorney John Young explained the amendments.

A motion was made by Commissioner Claspille, Seconded by Mayor Fogarty to close the Public Hearing. Motion passed unanimously.

A motion was made by Commissioner Collins, Seconded by Chairman Owens to remove New Business item #1 from the table. Motion passed unanimously.

1. Amendments to various provisions of Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri, pertaining to regulations relating to zoning, land use and wireless communication services and infrastructure within the City.

A motion was made by Commissioner King, Seconded by Mayor Fogarty to amend section 405.481 regarding fencing. Motion passed unanimously.

A motion was made by Commissioner Claspille to amend section 405.481 B – Filing of Application and Fees to insert request proof of insurance. Motion failed for the lack of a second.

A motion was made by Chairman Owens, Seconded by Commissioner Brockmann to postpone New Business item #1. Motion passed unanimously.

OLD BUSINESS

1. Review of Bylaws

A motion was made by Chairman Owens, Seconded by Commissioner Brockmann to postpone the review of the bylaws. Motion passed unanimously.

APPROVAL OF MINUTES

Approval of 03-12-14 Minutes

A motion was made by Commissioner Collins, Seconded by Commissioner Claspille to accept the 03-12-14 Minutes. Motion passed unanimously.

COMMISSION COMMUNICATIONS

Mayor Fogarty mentioned the concert in the park to be held on July 12th.
Commissioner Donahue inquired if election information could be found on the cities website.

ADJOURNMENT

A motion was made by Commissioner Donahue, Seconded by Chairman Owens to adjourn the meeting at approximately 8:21 p.m. Motion passed unanimously.

Respectfully submitted,

_____

Kim Clark, City Clerk