

Proposed Planning Commission Bylaws
for the
Cedarville, Arkansas Planning Commission

April, 2000

PLANNING COMMISSION

ARTICLE I. PURPOSE OF THE BYLAWS

It is the intent of these bylaws to prescribe the organization of the Planning Commission and to establish orderly, equitable, and expeditious procedures for the conduct of its affairs to the end that all may be informed and the public well served.

ARTICLE II. THE COMMISSION

A. Members and Terms

1. The membership and the terms of service shall be as stipulated by this Ordinance as six years. However, there shall be no less than five members and no more than nine.
2. Members who are appointed to fill vacancies for unexpired terms shall join the commission at the next meeting following their appointment and confirmation.
3. The appointing authority shall have the power to remove any member of the Commission for cause and after public hearing, provided, however, any member of the Commission who shall be absent from three or more consecutive regular meetings may be removed from office without hearing upon certification of such fact by the _____ of the Commission to the Mayor.

B. Officers

1. The Chairman and Vice-Chairman

- a. The offices of Chairman and Vice-Chairman shall be filled for terms of one year each. The Chairman, and likewise the Vice-Chairman, may not succeed themselves in office.
- b. The Chairman shall preside at all meetings and hearings of the Commission. In the event of the absence or disability of the Chairman and Vice-Chairman at any meeting, the oldest appointive member in point of service shall act as Chairman during such meeting.

- c. The Chairman shall present to the Commission for its approval the names of all persons appointed to committees established by the Commission. The Chairman shall designate one member of such Committee to serve as the Committee Chairman
- d. The Chairman shall sign all approved minutes, and when authorized, other documents on behalf of the Commission.
- e. The Chairman shall abstain from voting except in the call of a tie.

2. Secretary

- a. The office of Secretary shall be held ex-officio by a designated representative.
- b. The Secretary shall attend all meetings of the Commission and shall be responsible for:
 - (1) Keeping the minutes of each meeting.
 - (2) Carrying on routine correspondence.
 - (3) Maintaining the files of the Commission.
 - (4) Maintaining a record of the rules and regulations of the Commission.
 - (5) Current membership of the Commission with their terms of office.
 - (6) Maintaining a record of the organization of the Commission and its staff.
 - (7) Preparing the agendas of items to be considered at a meeting.
 - (8) Attesting documents of the Commission.
- c. The Secretary shall attend all committee meetings and shall serve as the secretary of all standing and technical advisory committee and, at the discretion of the Chairman of all special committees. The Secretary shall advise the Committee on request.

ARTICLE III. COMMITTEES

A. Standing Committees

1. Standing Committees may be created by the Planning Commission and charged with such duties as the Commission deems necessary or desirable.
2. Such Committees shall be composed of two or more Commissioners, but less than a quorum of the full Commission, and shall hold membership for one year or until succeeded.

B. Special Committees

Special Committees may be created in the same and under the same conditions as Standing Committees, except that the Chairman shall also designate a date from the submission of the Committee's final report. Special Committees shall be dissolved when their particular function or task has been completed. No special Committee shall exist for a term of more than twelve (12) consecutive months, except by the direction of the Commission.

C. Advisory Committees

The commission may create such Advisory Committees as it deems necessary or desirable. Each Advisory Committee shall be composed of at least one Commissioner and other officials and private citizens in a number determined by the Commission. Generally, members shall be private, professional or technical representatives, public officials working on the problems with which the committee is concerned, and lay individuals who have special interest or experience with such problems.

ARTICLE IV. MEETINGS

A. Regular Meetings

1. Date

The Commission shall, at the last regular meeting of each year, adopt a calendar of regular meeting dates for the forthcoming year as required by ordinance.

2. Time

The Commission shall meet regularly as indicated by the adopted calendar.

3. Place

The Commission shall meet regularly in the City Hall or such other places as directed by the Chairman.

4. Notice

a. To the Commissioners

The mailing of a copy of the agenda to each Commissioner _____ week prior to the date set for the meeting shall constitute notice of such meeting. On the morning of the day of a meeting, each Commissioner shall be reminded of the meeting by telephone by the Secretary.

b. To Affected Parties

- (1) Notice to affected parties shall be provided as specified in paragraphs (1) through (4) below.

(a) NOTICE

Before a proposed revision in the boundary of a zoning district may be recommended by the Planning Commission to the City Council, it must be the subject of a public hearing. Notice of the public hearing on the rezoning petition shall be published in a newspaper of general circulation in the City at least one (1) time (15) days prior to the hearing. The owner or applicant shall pay the cost of publication of said notice. Additionally, the administrative official shall cause the owner to place a sign in a conspicuous place on the site of property proposed for rezoning indicating the date and place of the public hearing on the rezoning proposal, said sign to be placed on-site no fewer than fifteen (15) days prior to the date of hearing. The City will furnish the required sign.

(b) HEARING AND APPROVAL

If all procedural and requirements above are satisfied, the Planning Commission and the City Council shall proceed in the following manner:

1.1 The Planning Commission shall conduct the public hearing on the proposed amendment to the Ordinance and/or Official Zoning Map.

1.2 Following the public hearing, the proposed amendment or change of district boundary may be approved as presented or in modified form by a majority vote of the Planning Commission with recommendation for adoption by the City Council.

1.3 If the Planning Commission disapproves a proposed amendment or rezoning petition, the reason for such disapproval shall be given in writing to the petitioner within fifteen (15) days from the date of the hearing.

(2) Supplemental Notice of Special Permit use see all requirements in paragraph #1.

(3) All issues submitted for public hearing as directed by _____ of the Zoning Ordinance, No. _____, or by _____ of the Subdivision Ordinance, No. _____ shall provide notice as follows.

(a) It shall be the responsibility of the owner or agent of record to accomplish the notice and bear the cost of the notice.

(4) Notice of Amended Rezoning Applications

If an application for rezoning is amended to a more restrictive zoning classification by the applicant or the Commission at a Commission meeting, the Commission may, by majority vote of members present at the meeting, waive publication of a legal notice, wive posting of a notice on the property shall also be required. The Commission may waive the filing fee in such a case, by majority vote of members present at the Commission meeting.

(5) Notice Street & Alley Closing

Notice of such closing shall follow same procedure as (4) above.

B. Called Meetings

1. Special meetings may be called by the Chairman, or at the request of the Secretary, or by a quorum of the Commissioners, or by a majority of those present at a regular or called meeting. Notice of such meeting shall be given as prescribed for a regular meeting un-

less such called meeting is to be held within less than three (3) days, in which case, notice by telephone call shall suffice. Announcement of a special at any meeting at which all members are present shall be sufficient notice of such meeting.

2. Under extraordinary conditions, an emergency meeting may be called at the direction of the Chairman - by telephone and without other notice.

C. Adjourned Meetings

Where all applications cannot be disposed of on the day set, the Commission may adjourn from day-to-day or as necessary to complete the hearing of all items docketed. A majority vote of all present shall be required to adjourn.

D. Informal Meetings

The Commission may, at any time, meet in an informal meeting to discuss any and all matters or to confer with staff members. No business shall be transacted during such informal meetings nor shall notice to all Commissioners of such meetings be required.

E. Executive Sessions

The Commission may, either before, during or after any meeting, sit in executive or private session. No official business shall be transacted during such session except privilege matters relating to personnel as allowed by law.

ARTICLE V. CONDUCT OF BUSINESS

A. Order of Agenda

All meetings shall be conducted in accordance with the agenda which shall enumerate the topics and cases in the following sequences:

1. Roll Call
2. Finding of a Quorum *with Seven members we need 4*
3. Approval of Previous Minutes as Mailed *Mailed at The Same*
4. *Time of News Paper Advert.*
Old Business
5. New Business
6. Adjournment

B. Order of Hearing

At a hearing, the order shall be as follows:

1. Announcement of the subject by the chairman.
2. Summary of proposal and report of staff findings and recommendation by Secretary/staff.
3. Petitioner's or applicant's presentation.
4. Objector's or interested property owner's presentation.
5. Petitioner's rebuttal.
6. Commission vote on the request as filed.
7. Additional motion of Commission as may be required to dispose of an issue (such motion shall be placed in the positive.)

C. Standard Rule of Procedure

Except as may otherwise be set forth in these Bylaws, parliamentary procedure shall be as prescribed in the latest edition of Roberts Rule of Order, Revised. Procedural provisions of these Bylaws may be suspended with the consent of three fourths (3/4) of those Commission members present.

D. Special Rules of Procedure

1. Quorum

A quorum for the transaction of business shall be _____ members as stipulated by ordinance.

2. Vote and Proxy

Each Commissioner, including the Chairman, shall be entitled to one (1) vote. No Commissioner shall cast a vote for another Commissioner by proxy. Any member of the Commission who shall have an economic interest in any property or decision relating to such property, which shall be the subject matter of, or affected by, a decision of the Commission shall be disqualified from participating in the public discussion or proceeding in connection therewith. In the event that any member of the Commission is uncertain as to whether or not a conflict of interest exists, that

member should obtain an opinion from the Office of the City Attorney before either participating in the discussion or voting on the rezoning application or subdivision matter in question.

3. Motion and Voting

Any matter of business requiring action by the Commission may be presented by oral motion, and the members present may vote thereon by simple voice vote. In case of split vote, the Chair may ask for a show of hands. The minutes shall indicate voting to be "denied" or "passed" and the name of any abstainer. Voting on election of officers in which there is a contest shall be by secret, written ballot.

4. Majority Vote

- (a) A simple majority of those members present at a meeting shall be sufficient to approve any administrative or procedural action.
- (b) An approval or a denial of an issue shall constitute final action. A majority vote of the full Commission shall be required in order to take final action on any issue requiring Planning Commission approval at a public hearing.
- (c) In those instances where a majority vote of the full Commission cannot be obtained to take final action, the matter before the Commission shall be automatically deferred until the next scheduled meeting. One (1) automatic deferral shall be allowed on any matter before the Commission which requires subsequent action by the City Council. If the Commission fails to resolve the matter at the rehearing and enough votes for final action cannot be obtained, the following shall apply:

In those instances where no action is required by the City Council and the action before the Commission fails to receive the required _____ votes at the second meeting, the request shall be declared to be denied.

For actions requiring the City Council approval, such matters shall be forwarded to the City Council with a recommendation of denial. The minutes record of the hearing and the hearing and the City Council's communication shall reflect the motions and voting on the matter so as to fully convey to the Planning Commission record for such matters.

5. Conduct of Hearing

Public hearings shall be conducted informally, and the Chairman shall make all ruling and determinations regarding the admissibility of the evidence, the scope of the inquiry, the order in which evidence, objections and arguments shall be heard, and other like matters, except that any member shall be privileged to make inquiries personally and to call for a vote on any ruling of the Chairman with which he/she does not agree, whereupon the vote shall determine the effective ruling. It shall be the purpose of the Chairman to expedite all hearings, confining them to the presentation of only essential matters to save time, but entertaining presentation of sufficient matter to do justice to all concerned.

E. General Policies

1. Formal Action

No request for advise, or most question may be acted upon formally by the Commission.

2. Closing of Docket

No application for a change in zoning, subdivision plat approval, etc. shall be submitted to the Commission, or prepared by the Secretary for submission, unless the same has been filed in the required fashion and no later than the docket date established by the adopted calendar. The staff shall investigate and consider each application, advertise the hearing, and present its findings, on an area wide basis rather than an individual site basis.

3. Open Meetings

All meetings of the Commission shall be open to the public as required by law (other than executive session).

4. Public Hearings

All items for which Commission action is required by law or ordinance shall be made the subjects of open public hearings, and after public notices as prescribed by law or ordinance.

5. Public Records

All minutes of Commission meetings and all petitions, applications, reports and other documents on which action has been taken by the Commission shall be open to the public and available for inspection at reasonable times.

6. Zoning Calendar

All items requiring Planning Commission and subsequent City Council review shall be considered only at a regular and scheduled meeting date. Application having been considered and recommended for approval by the Planning Commission will be forwarded by the Secretary to the City Council for consideration.

Applications which are recommended for denial by the Planning Commission will be automatically referred to the City Council. Persons who desire to appeal such a decision shall be notified of the procedure.

7. Reconsideration of Denied or Amended Applications

a. Expunging Action

The Commission may, when it deems necessary and for cause, expunge any motion and subsequent action in order to introduce a substitute motion for other action. The motion to accomplish such shall be made immediately and preceding the introduction of the next item of business on that agenda. When an item has been voted on and passed over for the next item of business, it shall not be recalled at the meeting for further action.

b. Reconsideration

Except for cause and with the unanimous consent of all members present at a meeting, no matter on which final action has previously been taken shall be reopened for further consideration or action. If consideration is granted by the Commission, the case will be rescheduled for the next regular meeting, a new application will be made (new fees, legal ad, and adjacent property owners renotified so that they may have an opportunity to hear any new evidences and to be heard.)

c. Reapplication

Except for cause and with the unanimous consent of all members present at a regular meeting, no application for rezoning of a property shall be considered if a former application embracing the same property or portion thereof has been denied by the Commission or the City Council within a period of 12 months preceding the application. If the Commission decides to rehear a case, it will require new fees, legal ad, notice to owners, etc., as required for new applications.

d. Withdrawals

No application which has been docketed for public hearing and advertised for such hearing shall be withdrawn, except as follows:

- (1) Except for cause and with a written request five working days prior from the applicant of record no case shall be withdrawn.
- (2) When the public hearing has already been advertised, the Commission must authorize the withdrawal by motion in the public hearing.
- (3) In the event the case is withdrawn after the public hearing has been advertised, that same case shall not be resubmitted for a period of one year.
- (4) No applicant shall be allowed to withdraw an application during the public hearing. Specific action must be taken by the Planning Commission to remove an item from the agenda.

8. Deferrals

No application which has been docketed for public hearing and advertised for such hearing shall be deferred, except as follows:

- a. Except for cause and with a written request five working days prior from the applicant of record no case shall be deferred.
- b. In the event a case may require an additional deferral, a renotification of property owners shall be required.

- c. No single request for deferred shall be granted for more than ninety consecutive days, except by unanimous vote of all members present.
- d. In no case shall more than two requests for deferral from an application be granted.
- e. In the public hearing, the Planning Commission may for cause defer an application on its own motion. The length of deferral shall be specified by the Commission in the motion.
- f. Lack of a Quorum.

9. Applicant Attendance at Meeting

The applicant, on each item docketed, shall be present or represented at the meeting and prepared to discuss the request.

10. Dissent

If a member of the Planning Commission wishes to dissent from a majority opinion of the Commission, he or she shall have the right to communicate a written minority opinion to the following:

- a. All Members of the Planning Commission
- b. The Secretary of the Planning Commission
- c. The City Attorney
- d. The City Council

ARTICLE VI. AMENDMENTS

These bylaws may be amended or repealed by an affirmative vote of not less than a majority of the full membership of the Commission. A proposed amendment, or a motion to repeal shall first be presented in writing at a regular meeting and placed of the agenda of subsequent regular meetings for action unless ten days written notice has been given to all Commissioners, in which case action may be taken at any regular or called meeting.

ATTEST: _____

SECRETARY: _____

CHAIRMAN: _____