

BYLAWS

OF

CITY OF JONESBORO METROPOLITAN AREA PLANNING COMMISSION

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## CITY OF JONESBORO METROPOLITAN AREA PLANNING COMMISSION

(Authorized pursuant to the City of Jonesboro Code of Ordinances as amended.)

### ARTICLE I. PURPOSE OF THE BYLAWS

It is the intent of these BYLAWS to prescribe the organization of the City of Jonesboro Metropolitan Area 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 Ordinance by City Council.
2. Members who are appointed to fill vacancies for unexpired terms shall join the Commission at the next meeting following their appointment and confirmation.

#### B. Officers

1. The Chair and Vice-Chair
  - a. The offices of Chair and Vice-Chair shall be filled for terms of one year each. The Chair, and likewise the Vice-Chair, may not succeed themselves in office.
  - b. The Chair shall preside at all meetings and hearings of the Commission. In the event of the absence or disability of the Chair, the Vice-Chair shall preside. In the event of the absence or disability of both the Chair and Vice-Chair at any meeting, the Commission may select an acting chair by majority vote of members present.
  - c. The Chair shall present to the Commission for its approval the names of all persons appointed to committees established by the Commission. The Chair shall designate one member of such Committee to serve as the Committee Chair.

2. Secretary
  - a. The office of Secretary shall be held ex-officio by the Director of the Planning staff or 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 committees and, at the discretion of the Chair of all special committees. The Secretary shall advise the Committee on request.

### ARTICLE III. 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 Council's Chamber or such other places as directed by the Chairman.
  4. Notices:
    - a. To the Commissioners - The mailing of a copy of the agenda to each Commissioner one week prior to the date set for a 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 - Notice to affected parties shall be provided as specified in paragraphs (1) through (5) below. Relative to paragraphs (2) through (6), requiring supplemental notice to neighboring property owners, the mailing of notice to the names and addresses that an applicant has obtained from an abstract company shall be considered adequate notice. If an applicant fails to provide the supplemental notice requirement herein, the Metropolitan Area Planning Commission shall defer action on such application until supplemental notice has been adequately provided.

(1) Legal Notice - Notice of public hearing on plans, regulations, ordinances or amendments thereto shall be published in a local newspaper of general circulation one time at least fifteen (15) days prior to said hearing as required by law.

(2) Supplemental Notice of Rezoning - Before a hearing, the applicant shall submit proof that at least fifteen (15) days notice of the Commission's hearing has been given to all property owners within two hundred (200) feet of any tract for which rezoning has been petitioned. The Secretary shall give fifteen (15) days written notice of a Commission hearing to all property owners within two hundred (200) feet of any tract less than one (1) block in area being considered for rezoning on the Commission's own motion.

If a tract proposed for rezoning by the Commission exceeds one block in area, the Secretary shall prepare a sketch of the proposal for newspaper publication and no other notice by the Commission to affected parties shall be required.

The planning staff shall provide mail notice to property owners associations or individuals representing neighborhoods.

Proof of notice is to be filed with the staff of the Planning Office at least six days prior to the public hearing.

(3) Supplemental Notice of Subdivision Hearing - Before a hearing, the applicant shall submit proof that at least fifteen (15) days notice of the Commission's hearing has been given to all property owners abutting the boundary of all subdivision plats, including those directly across streets or alleys. The applicant may utilize one of the following procedures: 1) A walk-around notice supplied by the Planning and Development Department with the applicant determining the ownership of parcels; 2) a certified mail notice to owners utilizing the provided form letter and a list from an abstract firm taken from the tax records.

The planning staff shall provide mail notice to property owners associations or individuals representing neighborhoods.

Proof of notice is to be filed with the staff of the Planning Office at least six days prior to the public hearing.

- (4) Supplemental Notice of Conditional Use Permits, Special Use Permits and Tower Use Permits - Before a hearing, the applicant shall submit proof that at least fifteen (15) days notice of the Commission's hearing has been given to all property owners within two hundred (200) feet of any tract for which a permit has been petitioned.

The staff shall provide mail notice to property owners associations or individuals representing neighborhoods.

- (5) All issues submitted for zoning site plan review or subdivision site plan review as directed by Section 36-126. of the Code of Ordinances and Section 31-13. of the Code of Ordinances, being the Zoning and Subdivision Ordinances respectively, shall provide notice as follows:

1. In each instance where review by the Subdivision Committee is required, the Committee shall determine the need for supplemental notice. The Committee shall set the date, content and form for such notice and name the party responsible for compliance with the requirements. The record of the Committee meeting shall reflect the instructions given so as to provide a record of the requirement or record that no notice was required.
2. It shall be the responsibility of the owner or agent of record to accomplish the notice and bear the cost of the notice.

- (6) All properties involved in rezoning, conditional use permit, tower use permit or Planned Unit Development applications shall be posted with a sign as follows:

1. Sites less than one acre in area - a sign 11" x 17";
2. Sites one acre to 10 acres in area - a sign 22" x 34";
3. Sites larger than 10 acres in area - a sign 4' x 4'.

These signs shall be provided by the Staff to applicants at the cost specified by the Fee Ordinance No. XXXX 17,645. These signs shall be posted on the site at least thirty (30) days prior to the meeting date.

- (7) 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 the members present at the meeting, waive the requirements for supplemental notice to property owners within two hundred



(200) feet of the tract, waive publication of a legal notice, waive posting of a notice on the property, and waive the filing fee. However, if an amendment is made to a less restrictive zoning classification, the Commission may defer or require re-filing of the application, and notice shall be required to property owners within two hundred (200) feet. Publication of a legal notice and posting of the property shall also be required. The Commission may waive the filing fee in such case, by majority vote of members present at the Commission meeting. Supplemental notice to property owner association or other groups or individuals may be required by the Commission.

- B. Called Meetings - Special meetings may be called by the Chair, 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, unless 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 meeting at any meeting at which all members are present shall be sufficient notice of such meeting. Under extraordinary conditions, an emergency meeting may be called at the direction of the Chair - 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 those 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 official public business shall be transacted during such informal meetings, but notice to all Commissioners of such meetings shall be required.

#### ARTICLE IV. CONDUCT OF BUSINESS

- A. Order of Agenda - All public hearings shall be conducted in accordance with the agenda which shall enumerate the topics and cases in the following sequence:
  - 1. Roll Call
  - 2. Finding of a quorum
  - 3. Approval of previous minutes as mailed
  - 4. Old Business
  - 5. New Business
  - 6. Citizen Communication
  - 7. Adjournment

- B. Order of Public Hearing - All applications or filings for public hearing shall be heard by the Commission as follows:
1. The Chair presents an brief overview of the proceedings to follow, including any concern about quorum and voting.
  2. The Chair directs staff to present the consent agenda, which shall include all items to be voted on at one time.
  3. Following the conclusion of all proceedings involving the consent agenda, the Chair shall direct staff to present the first item on the regular agenda.
  4. The staff will briefly present the request along with information update and the staff recommendation.
  5. The petitioner or applicant will then be recognized by the Chair. A total of twenty (20) minutes shall be allotted for presentation. The applicant may reserve a portion of that twenty (20) minutes to respond to issues and concerns raised by objectors and other interested parties.
  6. The Chair will then recognize objectors or interested property owners. A total of twenty (20) minutes shall be allotted for presentation.
  7. At the conclusion of presentations, the Chair will submit the application to the Commission for discussion. At this time the commissioners may request individual speakers be recalled for questions. There will be no time limit assessed for commission discussion or questioning.
  8. Rebuttal shall not be permitted.
  9. The Chair shall present the request for a motion.
  10. Commission motion and vote.
  11. Additional motions as may be required shall be placed in the positive.
- C. Standard Rules of Procedure - Except as may otherwise be set forth in these BYLAWS, parliamentary procedure shall be as prescribed in the latest edition of Roberts Rules 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 six (5) members as stipulated by ordinance.
  2. Vote and Proxy - Each Commissioner, excluding the Chair, 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 proceedings 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. The Chair of the committee will not vote unless his/her vote is necessary to break a tie.

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 Metropolitan Area Planning Commission approval at a public hearing.
- (c) In those instances where no action is required by the City Council and the action before the Commission fails to receive the required six (6) votes, the request shall be declared to be denied. Actions requiring the City Council approval which receive a positive vote from the majority of members present but which fail to receive the required six (6) commission votes, shall be forwarded to the City Council with a recommendation of denial. The minute record of the hearing and the Council's communication shall reflect the motions and voting on the matter so as to fully convey to the Board the Metropolitan Area Planning Commission record for such matters. Actions requiring the City Council approval which fail to receive a positive vote from the majority of members present and which fail to receive the required six (6) votes either for approval or denial shall be declared to be denied. Such matters may be appealed to the City Council by the applicant.

5. Conduct of Public Hearing

Public hearings shall be conducted informally, and the Chair shall make all rulings 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 Chair with which he does not agree, whereupon the vote shall determine the effective ruling. It shall be the purpose of the Chair to expedite all hearings, confining them to the presentation of only essential matters in the interest of saving time, but entertaining the presentation of sufficient matter to do substantial justice to all concerned.

E. General Policies

1. 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 the basis of neighborhood rather than an individual site basis.
2. Open Meetings - All meetings of the Commission shall be open to the public as required by law.
3. 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 notice as prescribed by law or ordinance.
4. 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.
5. Zoning Calendar - All items requiring Metropolitan Area Planning Commission and subsequent Council's review shall be considered only at a regular and scheduled meeting date. Applications having been considered and recommended for approval by the Metropolitan Area Planning Commission will be forwarded by the Secretary to the City Council for consideration. Applications which are recommended for denial by the Metropolitan Area Planning Commission will not be automatically referred to the City Council. Persons who desire to appeal such a decision shall be notified of the proper procedure.
6. 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 evidence and to be heard).
  - c. Reapplication - No identical or substantially identical application for the redistricting of a specific parcel or parcels of land which has been

denied by the Metropolitan Area Planning Commission or City Council may be made for a period of one (1) year.

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

Section 1: Only one withdrawal shall be allowed as of right after the 24th day of the month following the application filing for a rezoning or conditional use; and,

Section 2: On or after the 2nd time withdrawal granted, the applicant must wait 90 days before resubmitting the same or similar petition involving the same land and use; and,

2a. Exception Clause: Under extenuating (emergency) circumstances, the Planning Commission or City Council may consider and grant a request to waive the 90-day restriction on the 2nd time request for withdrawals.

Section 3: Third-time withdrawal requests will default to the most current ordinance requirement for denied rezoning petitions.

8. Deferrals - All deferrals shall be governed by the following:

- a. No application which has been docketed for public hearing and advertised for such hearing shall be deferred except for cause and with a written request five working days prior to the public hearing from the applicant.
- b. No single request for deferral shall be granted for more than ninety consecutive days, except by unanimous vote of all members present.
- c. In no case shall more than two requests for deferral from an applicant be granted.
- d. A third deferral of any public hearing item shall require renotification of property owners as set forth in Article IV. Such a request by the applicant shall be his cost to renotify. A third deferral by the Commission or as requested by staff shall cause the city to bear the cost.
- e. In the public hearing, the Metropolitan Area Planning Commission may by its motion or at the request of an applicant for cause defer an application. The length of deferral shall be specified by the Commission in the motion.

9. Applicant Attendance at Public Hearing - The applicant, on each item docketed, shall be present or represented at the public hearing and prepared to discuss the request. If an applicant or designated representative is not present, the item shall be deferred one time to the next appropriate public hearing.

10. Precedents - No action of the Commission shall be deemed to set a precedent. Each item docketed shall be decided upon its own merit and circumstances attendant thereto.

11. Dissent - If a member of the City of Jonesboro Metropolitan Area Planning Commission wishes to dissent from a majority opinion of the Commission, he or she shall communicate a written minority opinion to the following:
  - a. All Members of the Metropolitan Area Planning Commission
  - b. The Secretary of the Metropolitan Area Planning Commission
  - c. The City Attorney
  - d. All Aldermen.
  
12. Waivers - These BYLAWS may be waived by a vote of not less than a majority of the members in attendance of any given meeting.

ARTICLE V. 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 on 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: \_\_\_\_\_

Adopted by the City of Jonesboro Metropolitan Area Planning Commission on  
XXXXXX