



# **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 after which elections are held at the first meeting in January of each year.
  - 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 distribution of the agenda to each Commissioner on the Thursday prior to the date set for a meeting shall constitute notice of such meeting.

- 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. Obtain the floor.**

- a. Wait until the current speaker is finished.
- b. Address the chairman.
- c. Wait until the Chairman recognizes you.

2. The Chair presents an brief overview of the proceedings to follow, including any concern about quorum and voting.
  3. The Chair directs staff to present the consent agenda, which shall include all items to be voted on at one time.
  4. Following the conclusion of all proceedings involving the consent agenda, the Chair shall direct staff to present the first item on the regular agenda.
  5. The staff will briefly present the request along with information update and the staff recommendation.
  6. The petitioner or applicant will then be recognized by the Chair. Time allotted for presentations shall be 5 minutes or 15 minutes total for each side, or as determined by the Chair in order that complete facts can be given without repetition. The Chair or any Commissioner may make a motion to allow additional testimony or rebuttal.
  7. The Chair will then recognize objectors or interested property owners which shall be limited to 5 minutes or 15 minutes total each side.
  8. 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.
  9. Rebuttal shall not be permitted.
  10. The Chair shall present the request for a motion.
  11. Commission motion and vote.
  12. 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 five (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 pass a measure or 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.

#### **A. Make your motion.**

1. Speak in a clear and concise manner.
2. Always state a motion in the affirmative (ie. "I motion that we ..." rather than "I motion that we do not ...")
3. Stay on subject, and do not justify your motion while making it.

#### **B. Wait for someone to second your motion.**

- C. If another member does not second your motion, **the chairman will call for a second.** \*It is important to note that no discussion should be had about a motion until it has been made and seconded. If no one seconds your motion it is lost. The item must be either withdrawn by the applicant or tabled by the Planning Commission pending additional information lacking to make a complete decision.

#### **D. Once your motion is seconded, the chairman or secretary restates the motion:**

1. The chairman will say "It has been moved and seconded that we ..." This places your motion in front of the membership for consideration.
2. The membership can then debate your motion, or if no debate is heard, can move directly to a vote.
3. Once your motion is presented to the chairman it becomes "assembly property" and cannot be changed by you without the consent of the membership.

#### **E. Expanding on your motion.**

1. This is the time for you to speak in favor of your motion, not while you are presenting it to the chairman.

2. The mover (maker) of the motion always gets the chance to speak first.
3. All comments and debate must be directed towards the chairman, not the mover of the motion.
4. Keep to the time limit for discussion, if one has been established.
5. Each member gets the opportunity to speak on a motion once, and may not speak upon that motion again until all other members have had a chance to speak on the motion, unless directly called upon by the chairman. This includes the mover of the motion.

#### **F. Putting the motion to the membership (when to vote).**

1. The chairman asks the assembly “Are you ready to vote on the motion?”
2. There is no more original discussion to be had on the motion.

#### **A. Motions**

1. Motions shall be restated by the Chair before a vote is taken.
2. Findings of Fact
3. All actions taken in an administrative capacity (including, but not limited to, special use permits, subdivisions, rezonings, annexations, text amendments, site plan review, planned developments, review and submission on land use plans, master street plan, or comprehensive plan amendments, shall include each of the following parts:
4. A **finding of fact**, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements.
5. Conclusions to list reasons based on the facts for the Commission’s action, often directly related, or not, to a finding of compliance, or non-compliance, to standards.
6. The Commission’s action; recommendation or position, approval, approval with conditions, or disapproval.

#### **G. Voting on a motion**

The method of voting on a motion shall be by Roll Call – The secretary calls the roll and each person answers yes or no as their name is called.

#### **H. Abstentions from Participation and Voting**

In order to secure, protect, and preserve the highest level of public trust in the deliberation and decision of the Metropolitan Area Planning Commission, it is incumbent upon each member not only to scrupulously avoid any act which constitutes a conflict of interest established in law, but also to avoid any act which gives the appearance of bias, favoritism, or of interest.

1. A member shall withdraw from all participation, including all formal and informal discussion and voting, in any deliberation of the Planning Commission or its committees or any issue upon declaration of a conflict of interest or upon the assertion that there is a reasonable public presumption that bias, favoritism, or a conflict of interest may exist. Circumstances under which this provision shall be exercised include, but are not limited to, the following:
  - a. If the member has a direct or in-direct financial interest in the outcome of the matter at issue. A direct financial interest shall include, but not be limited to, circumstances in which the member is an applicant, a provider of professional or business service to the applicant, serves on the board of directors, or receives any form of remuneration or benefit from the applicant. In-direct financial interest shall include, but is not limited to, if an immediate family relative or close personal friend has, or is likely to have, a direct financial interest in the outcome of the matter; or
  - b. If the matter at issue involves the member's own official conduct; or
  - c. If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or
  - d. If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.

#### 4. Majority Vote

- (a) A simple majority of those members present at a meeting shall be sufficient to approve any administrative or procedural action and the passage of all motions; except that the adoption amendments to the Land Use or Comprehensive Plan, the Zoning Code/Zoning Ordinance text, and the Subdivision Regulations shall require a majority of all appointed members.
- (b) An approval or a denial of an issue shall constitute final action.
- (c) In those instances where no action is required by the City Council and the action before the Commission fails to receive the required five (5) 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 five (5) 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 Council 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 five (5) 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 (6) six months.
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  
September 2009.